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ABSTRACT

The second volume on state government involvement in public radio contains statutes of the 50 states, as well as the District of Columbia, Puerto Rico and the Virgin Islands, that affect public radio and television. The compilation is up-to-date as of January 1980 and includes not only laws, but also relevant gubernatorial promulgations and formal state agency regulations, where appropriate. In a few cases, earlier versions of current laws are included in order to make the current law comprehensive and understandable. Most of the statutes serve to authorize state agencies to become involved in public broadcasting. A few statutes deal with subsidiary matters, such as the tax-exempt status of public broadcasting stations. For a more comprehensive analysis of state government involvement in public broadcasting, see Public Radio and State Governments. Volume 1: Description and Analysis. (Author/CHC)

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Volume 2
The Statutes

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Public Radio And State Governments

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Introduction

This volume contains state statutes that affect public radio and television. The compilation is up-to-date as of January 1980 and includes not only laws but also relevant gubernatorial promulgations and formal state agency regulations, where appropriate. In a few cases, earlier versions of current laws are included in order to make the current law comprehensive and understandable.

Most of the statutes in this volume serve to authorize state agencies to become involved in public broadcasting. A few statutes deal with subsidiary matters, such as the tax-exempt status of public broadcasting stations. For a more comprehensive analysis of state statutory guidance of public broadcasting and other aspects of state government involvement in public broadcasting, see Public Radio and State Governments, volume I: "Description and Analysis."

CHAPTER 7.

ALABAMA EDUCATIONAL TELEVISION COMMISSION.

Sec.
16-7-1. Creation.
16-7-2. Membership; appointment; terms; vacancies; per diem and expenses.
16-7-3. Members not to have financial interest in facilities; removal.
Sec.
16-7-4. Organization; officers; rules and regulations; agents.
16-7-5. Duties.
16-7-6. Contracts; acceptance of gifts.

§ 16-7-1. Creation.

There is hereby created an agency to be known as the Alabama educational television commission, hereinafter called the commission. (Acts 1953, No. 81, p. 124, § 1.)

§ 16-7-2. Membership; appointment; terms; vacancies; per diem and expenses.

The commission shall consist of five members, who shall be residents and qualified electors of the state of Alabama, no two of whom shall reside in the same congressional district. No member of the commission shall hold any other office of profit or trust under the United States, the state of Alabama or any political subdivision thereof. The first five members of the commission shall be appointed by the governor with the advice and consent of the senate, within 15 days after June 15, 1953. One member shall be appointed for 10 years, one for eight years, one for six years, one for four years and one for two years. Their successors shall be appointed by the governor with the advice and consent of the senate for terms of 10 years. Commissioners shall be eligible for reappointment. If a vacancy occurs at a time when the senate is in session, the governor shall, with the advice and consent of the senate, appoint another commissioner for the unexpired term. If such vacancy occurs when the senate is not in session, the governor shall appoint a commissioner who shall take office immediately, but his appointment shall be subject to confirmation by the senate at the next session of the legislature. If the appointment of such commissioner is confirmed by the senate he shall serve the remainder of the unexpired term. Each member of the commission shall be entitled to receive $25.00 for each day actually engaged in the performance of his duties, not to exceed $1,200.00 in any one year, plus an allowance for expenses for official travel in the state, not to exceed $10.00 for each day he is entitled to compensation, and the actual cost of his transportation and no more. In the event a member uses a privately owned automobile for official travel, he shall be reimbursed for mileage actually traveled in attending meetings of the commission and in the performance of his official duties at the rate established by law for state officers and employees. (Acts 1953, No. 81, p. 124, § 2.)

§ 16-7-3. Members not to have financial interest in facilities; removal.

(a) No member of the commission shall have any financial interest in any facilities such as the commission is authorized to deal with.

(b) Members of the commission may be removed from office upon impeachment on the grounds and in the manner prescribed in section 173 of the Constitution of Alabama. (Acts 1953, No. 81, p. 124, § 2½.)

§ 16-7-4. Organization; officers; rules and regulations; agents.

Promptly after their appointment the commissioners shall meet to organize. At such meeting they shall choose from their number a president, a secretary and such other officers as they deem necessary. Thereafter officers shall be elected annually. The commission shall adopt rules regulating the conduct of its meetings and the transaction of the business of the commission, and may appoint such agents and employees as it deems necessary, or may delegate to one or more of its members, officers, agents or employees such powers and duties as it deems proper. (Acts 1953, No. 81, p. 124, § 3.)

§ 16-7-5. Duties.

The commission is organized for the purpose of making the benefits of educational television available to and promoting its use by inhabitants of Alabama, and to this end it is hereby empowered and directed to survey, study and appraise the need for an overall plan for the use of television facilities available for noncommercial educational use in the state. The commission is specifically charged with the duty of controlling and supervising the use of channels reserved by the federal communications commission to Alabama for noncommercial, educational use. It may designate the location of stations to utilize such channels and make rules and regulations governing the operation of such stations and the programs televised over such channels. The commission may own and operate television stations to utilize these channels, or it may contract with individuals, corporations, educational institutions or other governmental agencies for the operation of such stations (Acts 1953, No. 81, p. 124, § 4.)

§ 16-7-6. Contracts; acceptance of gifts.

The commission is hereby authorized to execute all contracts and other instruments necessary and convenient to carry out the mandates of this chapter. It may accept gifts or grants of money or property, real or personal, and voluntary and uncompensated services from any person, federal or other governmental agency, board of education, educational institution or commercial or industrial enterprise. (Acts 1953, No. 81, p. 124, § 5.)

Chapter 58. Alaska Public Broadcasting Commission.

Section
10. Creation of Alaska Public Broadcasting Commission
20. Membership and term of office
50. Purpose of the commission

Section
60. Duties of the commission
70. Powers of the commission
90. Definitions

Sec. 14.58.010. Creation of Alaska Public Broadcasting Commission. There is created within the Department of Education the Alaska Public Broadcasting Commission. (§ 1 ch 153 SLA 1970; am § 1 ch 87 SLA 1976)

Effect of amendment. — The 1976 amendment substituted "Alaska Public Broadcasting Commission" for "Alaska Educational Broadcasting Commission."

Legislative committee report. — For report on ch. 87, SLA 1976 (CSSB 691 am H), see 1976 House Journal, p. 1217.

Sec. 14.58.020. Membership and term of office. (a) The commission consists of nine members appointed by the governor, without regard to political affiliation, subject to confirmation by a majority of the members of the legislature in joint session. In making appointments to the commission, the governor shall give due consideration to representation from such fields as higher education, elementary and secondary education, communications, commercial broadcasting, public health, public works, labor, commerce and the professions. Members may be removed only for cause.

(b) The members of the commission shall serve staggered terms of five years, with the initial terms determined by lot. (§ 1 ch 153 SLA 1970; am § 2 ch 87 SLA 1976)

Effect of amendment. — The 1976 amendment inserted "communications" in the second sentence of subsection (a).

Legislative committee report. — For report on ch. 87, SLA 1976 (CSSB 691 am H), see 1976 House Journal, p. 1217.

Sec. 14.58.050. Purpose of the commission. The commission is created to encourage and supervise the development of an integrated public broadcasting system for the state and for the coordination of all public broadcasting stations. (§ 1 ch 153 SLA 1970; am § 3 ch 87 SLA 1976)

Effect of amendment. — The 1976 amendment rewrote the section.

Legislative committee report. — For report on ch. 87, SLA 1976 (CSSB 691 am H), see 1976 House Journal, p. 1217.

Sec. 14.58.060. Duties of the commission. The commission shall

(8) Repealed by § 7 ch 87 SLA 1976.

(9) develop an integrated public broadcasting network for the state;

(10) develop and distribute public broadcasting programming for educational institutions and public agencies in the state;

(11) development and distribute public broadcasting programming for public affairs in the state;

(12) perform all other functions necessary to ensure the orderly and coordinated development of public broadcasting in the state.
(am §§ 4, 7 ch 87 SLA 1976)

Effect of amendment. — The 1976 amendment repealed paragraph (8), which read "perform all other functions necessary to ensure the orderly and coordinated development of educational broadcasting in the state," and added paragraphs (9) through (12).

As the rest of the section was not affected by the amendment, it is not set out.

Legislative committee report. — For report on ch. 87, SLA 1976 (CSSB 691 am H), see 1976 House Journal, p. 1217.

Sec. 14.58.070. Powers of the commission. The commission may

(5) provide assistance to licensed commercial broadcasting stations for the broadcast of public affairs programming and utilization of satellite communications for the broadcasting of special public affairs programming.
(am § 5 ch 87 SLA 1976)

Effect of amendment. — The 1976 amendment added paragraph (5).

As the rest of the section was not affected by the amendment, it is not set out.

Legislative committee report. — For report on ch. 87, SLA 1976 (CSSB 691 am H), see 1976 House Journal, p. 1217.

Sec. 14.58.090. Definitions. In this chapter, unless the context otherwise requires

(1) "commission" means the Alaska Public Broadcasting Commission;

(2) "public broadcasting" includes, but is not limited to, television and radio transmission by 2,500 Megahertz, closed circuit or microwave video and audio programming, slow-scan television programming, programming via satellite, teletype or facsimile transmission, and distribution methods, when the transmission, programming and distribution are intended to serve a noncommercial educational, public or instructional purpose. (§ 1 ch 153 SLA 1970; am § 6 ch 87 SLA 1976)

Effect of amendment. — The 1976 amendment substituted "Alaska Public Broadcasting Commission" for "Alaska Educational Broadcasting Commission" in paragraph (1) and " 'public broadcasting' " for " 'educational broadcasting' " at the beginning of paragraph (2).

Legislative committee report. — For report on ch. 87, SLA 1976 (CSSB 691 am H), see 1976 House Journal, p. 1217.

LAWS OF ALASKA

1970

Source | Chapter No.
SB 372 am | 153

AN ACT

Creating the Alaska Educational Broadcasting Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 14 is amended by adding a new chapter to read:

CHAPTER 58. ALASKA EDUCATIONAL BROADCASTING COMMISSION.

Sec. 14.58.010. CREATION OF ALASKA EDUCATIONAL BROADCASTING COMMISSION. There is created within the Department of Education the Alaska Educational Broadcasting Commission.

Sec. 14.58.020. MEMBERSHIP AND TERM OF OFFICE. (a) The commission consists of nine members appointed by the governor, without regard to political affiliation, subject to confirmation by a majority of the members of the legislature in joint session. In making appointments to the commission, the governor shall give due consideration to representation from such fields as higher education, elementary and secondary education, commercial broadcasting, public health, public works, labor, commerce and the professions. Members may be removed only for cause.

(b) The members of the commission shall serve staggered terms of five years, with the initial terms determined by lot.

Sec. 14.58.030. COMPENSATION AND EXPENSES. Members of the commission receive no salary, but are entitled to per diem and travel expenses authorized by law for other commissions.

Sec. 14.58.040. CHAIRMAN. At the first meeting, the commission shall elect a chairman from among its members to serve for one year. A chairman may be elected and serve for more than one consecutive term.

Sec. 14.58.050. PURPOSE OF THE COMMISSION. The commission is created to encourage and supervise the initial development of educational broadcasting, and to provide for the regulation of educational broadcasting.

Sec. 14.58.060. DUTIES OF THE COMMISSION. The commission shall

(1) control and supervise the use of broadcasting channels reserved by the Federal Communications Commission for educational broadcasting purposes;

(2) initiate or receive for review and approval all applications for educational broadcasting licenses submitted to the Federal Communications Commission for or on behalf of an elementary school system, community college, institution of higher learning, private educational institution, nonprofit community or municipal organization in the state;

(3) initiate or receive for review and approval all applications for federal, state or private funds if the applications involve any form of educational broadcasting;

(4) receive all federal, state or private funds, property or assistance that may be appropriated, granted or otherwise made available to the commission for educational broadcasting purposes at all levels of education, and use and disburse funds and property for purposes consistent with the terms of this chapter, subject to reasonable limitations imposed by the grantor;

(5) provide consultative services in all aspects of educational broadcasting to all public or private agencies in the state which request them;

(6) serve as a library and clearinghouse for information on broadcasting for educational and public purposes;

(7) have the final authority over the broadcasting policy programming; and

(8) perform all other functions necessary to insure the orderly and coordinated development of educational broadcasting in the state.

Sec. 14.58.070. POWERS OF THE COMMISSION. The commission may

(1) employ all consultative, technical and clerical personnel necessary for the implementation of this chapter, within the limits of available funds;

(2) employ a director, who shall be directly responsible to the commission in financial and administrative matters;

(3) where no other competent contracting agency

exists, lease, purchase, construct, own, operate, manage and be the licensee of educational broadcasting stations, production centers, and all other related equipment and facilities for the production and transmission of open circuit, closed circuit, 2,500 Megahertz, and other transmission means necessary to provide fully effective educational broadcasting in the state;

(4) appoint unpaid advisory committees to assist in development of programs for instructional and public television broadcasts.

Sec. 14.58.080. COMMERCIAL BROADCASTING. Nothing in this chapter may be construed to restrict or control commercial broadcast stations or companies operating or licensed in the state.

Sec. 14.58.090. DEFINITIONS. In this chapter, unless the context otherwise requires

(1) "commission" means the Alaska Educational Broadcasting Commission;

(2) "educational broadcasting" includes, but is not limited to, television and radio transmission by 2,500 Megahertz, closed circuit or microwave video and audio programming, slow-scan television programming, programming via satellite, teletype or facsimile transmission, and distribution methods, when the transmission, programming and distribution are intended to serve a noncommercial educational, public or instructional purpose.

Approved by governor: May 27, 1970
Actual effective date: August 25, 1970

Chapter 58. Alaska Educational Broadcasting Commission.

Section
10. Creation of Alaska Educational Broadcasting Commission
20. Membership and term of office
30. Compensation and expenses
40. Chairman

Section
50. Purpose of the commission
60. Duties of the commission
70. Powers of the commission
80. Commercial broadcasting
90. Definitions

Sec. 14.58.010. Creation of Alaska Educational Broadcasting Commission. There is created within the Department of Education the Alaska Educational Broadcasting Commission. (§ 1 ch 153 SLA 1970)

Sec. 14.58.020. Membership and term of office. (a) The commission consists of nine members appointed by the governor, without regard to political affiliation, subject to confirmation by a majority of the members of the legislature in joint session. In making appointments to the commission, the governor shall give due consideration to representation from such fields as higher education, elementary and secondary education, commercial broadcasting, public health, public works, labor, commerce and the professions. Members may be removed only for cause.

(b) The members of the commission shall serve staggered terms of five years, with the initial terms determined by lot. (§ 1 ch 153 SLA 1970)

Sec. 14.58.030. Compensation and expenses. Members of the commission receive no salary, but are entitled to per diem and travel expenses authorized by law for other commissions. (§ 1 ch 153 SLA 1970)

Sec. 14.58.040. Chairman. At the first meeting, the commission shall elect a chairman from among its members to serve for one year. A chairman may be elected and serve for more than one consecutive term. (§ 1 ch 153 SLA 1970)

Sec. 14.58.050. Purpose of the commission. The commission is created to encourage and supervise the initial development of educational broadcasting, and to provide for the regulation of educational broadcasting. (§ 1 ch 153 SLA 1970)

Sec. 14.58.060. Duties of the commission. The commission shall

(1) control and supervise the use of broadcasting channels reserved by the Federal Communications Commission for educational broadcasting purposes;

(2) initiate or receive for review and approval all applications for

educational broadcasting licenses submitted to the Federal Communications Commission for or on behalf of an elementary school system, community college, institution of higher learning, private educational institution, nonprofit community or municipal organization in the state;

(3) initiate or receive for review and approval all applications for federal, state or private funds if the applications involve any form of educational broadcasting;

(4) receive all federal, state or private funds, property or assistance that may be appropriated, granted or otherwise made available to the commission for educational broadcasting purposes at all levels of education, and use and disburse funds and property for purposes consistent with the terms of this chapter, subject to reasonable limitations imposed by the grantor;

(5) provide consultative services in all aspects of educational broadcasting to all public or private agencies in the state which request them;

(6) serve as a library and clearinghouse for information on broadcasting for educational and public purposes;

(7) have the final authority over the broadcasting policy programming;

(8) perform all other functions necessary to ensure the orderly and coordinated development of educational broadcasting in the state. (§ 1 ch 153 SLA 1970)

Sec. 14.58.070. Powers of the commission. The commission may

(1) employ all consultative, technical and clerical personnel necessary for the implementation of this chapter, within the limits of available funds;

(2) employ a director, who shall be directly responsible to the commission in financial and administrative matters;

(3) where no other competent contracting agency exists, lease, purchase, construct, own, operate, manage and be the licensee of educational broadcasting stations, production centers, and all other related equipment and facilities for the production and transmission of open circuit, closed circuit, 2,500 Megahertz, and other transmission means necessary to provide fully effective educational broadcasting in the state;

(4) appoint unpaid advisory committees to assist in development of programs for instructional and public television broadcasts. (§ 1 ch 153 SLA 1970)

Sec. 14.58.080. Commercial broadcasting. Nothing in this chapter may be construed to restrict or control commercial broadcast stations or companies operating or licensed in the state. (§ 1 ch 153 SLA 1970)

Sec. 14.58.090. Definitions. In this chapter, unless the context otherwise requires

(1) "commission" means the Alaska Educational Broadcasting Commission;

(2) "educational broadcasting" includes, but is not limited to, television and radio transmission by 2,500 Megahertz, closed circuit or microwave video and audio programming, slow-scan television programming, programming via satellite, teletype or facsimile transmission, and distribution methods, when the transmission, programming and distribution are intended to serve a noncommercial educational, public or instructional purpose. (§ 1 ch 153 SLA 1970)

Chapter 60. General Provisions.

LAWS OF ALASKA

1976

Source

CSSB 691 am H

Chapter No.

87

AN ACT

Relating to public broadcasting.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

• Section 1. AS 14.58.010 is amended to read:

CHAPTER 58. ALASKA PUBLIC BROADCASTING COMMISSION.

Sec. 14.58.010. CREATION OF ALASKA PUBLIC BROADCASTING COMMISSION. There is created within the Department of Education the Alaska Public Broadcasting Commission.

• Sec. 2. AS 14.58.020(a) is amended to read:

(a) The commission consists of nine members appointed by the governor, without regard to political affiliation, subject to confirmation by a majority of the members of the legislature in joint session. In making appointments to the commission, the governor shall give due consideration to representation from such fields as higher education, elementary and secondary education, communications, commercial broadcasting, public health, public works, labor, commerce and the professions. Members may be removed only for cause.

• Sec. 3. AS 14.58.050 is amended to read:

Sec. 14.58.050. PURPOSE OF THE COMMISSION. The commission is created to encourage and supervise the development of an integrated public broadcasting system for the state and for the coordination of all public broadcasting stations.

• Sec. 4. AS 14.58.060 is amended by adding new paragraphs to read:

SIGNED BY THE GOVERNOR ON MAY 2 6 1976

(9) develop an integrated public broadcasting network for the state;

(10) develop and distribute public broadcasting programming for educational institutions and public agencies in the state;

(11) develop and distribute public broadcasting programming for public affairs in the state;

(12) perform all other functions necessary to ensure the orderly and coordinated development of public broadcasting in the state.

* Sec. 5. AS 14.58.070 is amended by adding a new paragraph to read:

(5) provide assistance to licensed commercial broadcasting stations for the broadcast of public affairs programming and utilization of satellite communications for the broadcasting of special public affairs programming.

* Sec. 6. AS 14.58.090 is amended to read:

(1) "commission" means the Alaska Public Broadcasting Commission;

(2) "public broadcasting" includes, but is not limited to, television and radio transmission by 2,500 Megahertz, closed circuit or microwave video and audio programming, slow-scan television programming, programming via satellite, teletype or facsimile transmission, and distribution methods, when the transmission, programming and distribution are intended to serve a noncommercial educational, public or instructional purpose.

* Sec. 7. AS 14.58.060(8) is repealed.

TITLE 14. EDUCATION

CHAPTER 58. ALASKA EDUCATIONAL BROADCASTING COMMISSION REGULATIONS

Article
1. Purpose (14 AAC 58.010)
2. Non-Profit Broadcasting Corporations (14 AAC 58.020 - 14 AAC 58.050)
3. Other State Supported Stations (14 AAC 58.060)
4. General Provisions (14 AAC 58.070 - 14 AAC 58.080)

ARTICLE 1. PURPOSE

Section
10. Commission goals

14 AAC 58.010. COMMISSION GOALS. The goals of the commission are to assist in the establishment and support of educational broadcasting facilities in the state in order to provide citizens of Alaska with the opportunity to

(1) obtain the information needed to further their education, welfare, health and safety; and
(2) receive general educational instruction and instruction to obtain school or college credit; and
(3) become culturally enriched. (Eff. 9/1/73, Reg. 47)

Authority: AS 14.58.050
AS 14.58.060(5)(6)

ARTICLE 2. NON-PROFIT BROADCASTING CORPORATIONS

Section.
20. Financial support
30. Qualified corporations
40. Requirements of qualified corporations
50. Non-compliance

14 AAC 58.020. FINANCIAL SUPPORT. The commission may make grants of funds and properties to non-profit corporations which use the funds or properties to establish and operate educational broadcasting stations in accordance with the regulations of this chapter. (Eff. 9/1/73, Reg 47)

Authority: AS 14.58.050
AS 14.58.060(1)-(4)(7)(8)

14 AAC 58.030. QUALIFIED CORPORATIONS. A corporation

15

is qualified to receive funds and properties from the commission and to establish and operate educational broadcasting facilities in this state if

(1) the corporation is organized as a non-profit organization under AS 10.20 and is qualified as tax exempt by the United States Internal Revenue Service; and if

(2) the corporation's articles of incorporation provide for

(a) a seven or nine member board of directors representative of the area and ethnic population served by the facility; and

(b) a plan for rotation of membership among citizens served by the facility; and

(c) an agent of the commission to be an ex officio member of the board of directors; and

(d) all meetings of the board of directors to be open to the public; and

(e) the giving of reasonable notice to the public of board of directors meetings; and

(f) board of directors meetings to be held at least quarterly on a specified day of specified months; and

(g) a prohibition against the use of proxies and against allowing any employee of the corporation to be a board member; and

(h) any action taken at a board of directors meeting which is not a public meeting to be void. (Eff. 9/1/73, Reg 47)

Authority: AS 14.58.060(1)-(4)

14 AAC 58.040. REQUIREMENTS OF QUALIFIED CORPORATIONS. If a corporation qualifies under 14 AAC 58.030, it shall then

(1) provide the commission for its review and approval

(a) a statement of objectives responsive to the needs of the area served by the facility and consistent with 14 AAC 58.010; and

(b) a schedule of proposed programs that would meet identified objectives as described in (a) above; and

(c) proposed position descriptions, staff chart, personnel policies, and salary schedules consonant with models adopted or to be adopted by the commission; and

(d) a proposed budget showing all anticipated sources of income and objects of expenditures.

(2) Such qualified corporation shall also agree to

(a) select its manager and engineer for the educational broadcasting facility from a list of applicants who have been approved by the commission; and

(b) provide free transmission of instructional programs provided by local public educational institutions for not less than one hour daily each school day; and

(c) exercise caution in the airing of free programs from suppliers other than recognized educational/public broadcasting sources, especially those which advocate a commercial product, religious or political viewpoint; and

(d) permit the commission or its agent to review the station operation, programming and performance, and review and audit the corporations accounts, books, reports, minutes of corporation meetings, and expenditures; and

(e) supply the commission with a copy of its annual proof of performance report and other reports and forms prepared in compliance with regulations of the Federal Communications Commission; and

(f) advise the commission of approaching meetings of the board of directors of the corporation, and send to the commission the minutes of each such meeting within thirty days of the holding of such meeting; and

(g) abide by budgets approved by the commission, except that transfers of funds from one budget category to another may be approved by the commission; and

(h) furnish quarterly financial reports in a form consistent with acceptable accounting practices; and

(i) identify that the educational broadcasting facility operated by the corporation receives funding from the commission and is operating under its regulations at least when the facility signs-on and signs-off, and on the stationery used by the corporation; and

(j) supply the commission with a true copy of the corporations proposed budget for the next year, showing all sources of anticipated income and objects of expenditure, by August 30 of each year; and

(k) submit an annual report to the commission which shall set forth in detail

  (i) the call letters of the broadcasting facility; and

  (ii) objectives of the broadcasting facility and a description of how they have been met; and

  (iii) significant events of the previous year for the corporation; and

  (iv) names of broadcasting productions which may be available to other broadcasting facilities and designating the price to be paid for each; and

  (v) a list showing each meeting of the corporation board of directors and designating when, where and what significant decisions were made; and

  (vi) names, addresses and occupations of all corporation board members; and

  (vii) names and positions of all broadcasting facility employees; and

  (viii) a complete financial accounting for the previous year; and

(ix) a statement designating any new objectives or directions anticipated by the corporation for the coming year. (Eff. 9/1/73, Reg. 47)

Authrity: AS 14.58.050
AS 14.58.060(1)-(3),(6)-(8)
AS 14.58.070(1)-(3)

14 AAC 58.050. NON-COMPLIANCE. Violation of Alaska Educational Broadcasting Commission Regulations or regulations of the Federal Communications Commission by a qualified corporation shall be cause for the commission to withhold funds from the qualified corporation. A finding of violation shall only be made by a majority of the commission's membership and then only after notice and opportunity to be heard is afforded the qualified corporation. (Eff. 9/1/73, Reg 47)

Authority: AS 14.58.050
AS 14.58.060(1)-(4)(7)(8)

ARTICLE 2. OTHER STATE SUPPORTED STATIONS

Section
60. Requirements to receive financial support

14 AAC 58.060. REQUIREMENTS TO RECEIVE FINANCIAL SUPPORT. State supported educational broadcasting stations operated by schools, colleges or universities shall

(1) cause the establishment of a citizen board broadly representative of the ethnic population and area to be served, which board shall provide continuing advice to the station manager; and

(2) develop objectives responsive to the needs of the populations and area served consistent with 14 AAC 58.010; and

(3) provide free transmission of instructional programs as provided by local public educational institutions for not less than one hour daily for each school day; and

(4) provide the commission with budgets and reports prepared for other institutions, and an annual report according to 14 AAC 58.040(11)(A)-(I). (Eff. 9/1/73, Reg 47).

Authority: AS 14.58.050
AS 14.58.060(1)-(4)(8)

ARTICLE 4. GENERAL PROVISIONS

Section
70. Commission designee
80. Definitions

14 AAC 58.070. COMMISSION DESIGNEE. From time to time the commission may reasonable delegate authority to a qualified

individual to perform duties of the commission not inconsistent with these regulations. Such authority shall be subject to direction and revocation by the commission at all times and in no case shall such authority be superior to the authority of the commission. (Eff. 9/1/73, Reg 47)

Authority: AS 14.58.050
AS 14.58.060(1)(8)
AS 14.58.070(2)
AS 14.58.090(1)

14 AAC 58.080. DEFINITIONS. In this chapter, unless the context otherwise requires, "commission" means the Alaska Educational Broadcasting Commission or its designee. (Eff. 9/1/73, Reg 47)

Authority: AS 14.58.050
AS 14.58.060(1)(8)
AS 14.58.070(2)
AS 14.58.090(1)

Section 5. 4 AAC 63.040(2)(D) is amended to read:

(D) provide the commission or its agent for its review if requested to do so by the commission, station operational records, the corporate book or records of both, accounts, expenditures, and minutes of corporate meetings; and (Eff. 9/1/73, Reg. 47; am 6/24/79, Reg. 70)

Authority: AS 14.58.050
AS 14.58.060 (1)-(3), (6) and (12)

Section 6. 4 AAC 63. (2)(H) is amended to read:

(H) furnish to the commission an accounting of grant money which is in accordance with the accounting practices as approved by the commission; and (Eff. 9/1/73, Reg. 47; am 6/24/79), Reg. 70)

Authority: AS 14.58.050
AS 14.58.060(1)-(3) (6) and (12)

Section 7. 4 AAC 63.040(2)(K) is amended to read:

(K) submit to reports on the following topics if requested to do so by the commission:

(i) objectives of the broadcasting facility and a description of how they have been met;

(ii) significant events of the previous year for the corporation;

(iii) names of broadcasting productions which may be available to other broadcasting facilities and designating the price to be paid for each;

(iv) a list showing each meeting of the corporation board of directors and designating when, where, and what significant decisions were made;

(v) names, addresses, and occupations of all corporation board members;

(vi) names and positions of all broadcasting facility employees;

(vii) a complete financial accounting for the previous year; and

(viii) a statement designating any new objectives or directions anticipated by the corporation for the coming year. (Eff. 9/1/73, Reg. 47; am 6/24/70. Reg. 70)

Authority: AS 14.58.050
AS 14.58.060(1)-(3)(6)-(8) and (12)
AS 14.58.070(1)-(3)

CHAPTER 63

ALASKA PUBLIC BROADCASTING COMMISSION

Section 1. 4 AAC 63.010 is amended to read:

4 AAC 63.010. COMMISSION GOALS. The goals of the commission are to

(1) assist in the establishment and support of public broadcasting facilities in the state in order to provide citizens of Alaska with the opportunity to

(A) obtain the information needed to further their education, welfare, health and safety; and

(B) receive general educational instruction and instruction to obtain school or college credit; and

(C) become culturally enriched; and

(2) provide Alaskans with the goals and objectives of public broadcasting as defined in the Public Broadcasting Act of 1967 (47 U.S.C., Sec. 396) and the Carnegie Commission Report. (Eff. 9/1/73, Reg. 47; am 6/24/79, Reg. 70)

Authority: AS 14.58.050
AS 14:58.060(5)and (6)

Section 2. 4 AAC 63.020 is amended to read:

4 AAC 63.020. FINANCIAL SUPPORT. The commission will, in its discretion, make grants of funds and property to non-profit corporations which use the funds or property to establish and operate public broadcasting stations in accordance with the provisions of this chapter, and with the understanding that all property purchased with commission granted money reverts to the commission if the non-profit corporation is dissolved, or if the broadcast facility declares a surplus. (Eff. 9/1/73, Reg. 47, am 6/24/79, Reg. 70)

Authority: AS 14.58.050
AS 14.58.060(2)-(4), (7) and (12)

Section 3. 4 AAC 63.030(2)(A) is amended to read:

(A) a board of directors consisting of a minimum of five members representative of the area and ethnic population served by the facility; and (Eff. 9/1/73, Reg. 47; am 6/24/79, Reg. 70)

Authority: AS 14.58.060(1)-(4) and (12)

Section 4. 4 AAC 63.030(2) is amended by adding a new paragraph to read:

(I) all meetings to be consistent with the provisions of AS 44.62.310 and 44.62.312 regarding public meetings, as if the qualified corporation were a governmental entity subject to AS 44.62.310 and 44.62.312 (Eff. 9/1/73, Reg. 47; am 6/24/79, Reg. 70)

Authority: AS 14.52.060(1)-(4) and (12)

Section 8. 4 AAC 63.040(2) is amended by adding a new paragraph to read:

(L) provide a statement designating any new objectives or directions anticipated by the corporation for the coming year. (Eff. 9/1/73, Reg. 47; am 6/24/79).

Authority: AS 14.58.050
AS 14.58.060(1)-(3), (6) and (12)

Section 9. 4 AAC 63.080 is amended to read:

4 AAC 63.080. DEFINITIONS. In this chapter, unless the context otherwise requires, "commission" means the Alaska Public Broadcasting Commission or its designee. (Eff. 9/1/73, Reg. 47; am 6/24/79, Reg. 70)

Authority: AS 14.58.050
AS 14.58.090(1)

Arizona -- nil

Arkansas Statutes (annotated edition) Cumulative 1977 Pocket Supplement

80-3901. Educational television commission — Creation. — There is hereby created an agency to be known as the Arkansas Educational Television Commission, hereinafter called the Commission. [Acts 1961, No. 198, § 1, p. 732.]

Cross-References. Damages adjudged against state officers and employees, payment by state, §§ 12-3401—12-3406.

Section to Section References. This chapter is referred to in §§ 5-910, 13-521.

Sections 80-3901—80-3906 are referred to in § 13-521.

Comparative Legislation. Educational television:

Okla. Stat. Ann., tit. 70, §§ 2141-2165.
Ore. Rev. Stat., §§ 354.210-354.300.
Tenn. Code Ann. §§ 49-3801—49-3806.

80-3902. Members — Qualifications — Appointment — Term — Successors — Vacancies — Compensation. — The Commission shall consist of eight (8) members, who shall be residents and qualified electors of the State of Arkansas, with at least one [1] member being appointed from each of the Congressional Districts of the State. At least one [1] member shall be a person who is actively engaged in the field of education in the public school system of this State and one [1] member shall be a person actively engaged in education in an institution of higher learning in this State. No member of the Commission shall hold any other office of profit or trust under the United States, the State of Arkansas or any political subdivision thereof or any office or employment paid in whole or in part by any funds derived from tax sources, except persons actively engaged in the field of education in the public schools or institutions of higher learning in this State. The first eight (8) members of the Commission shall be appointed by the Governor with the advice and consent of the Senate, within fifteen (15) days after the passage and approval of this act [§§ 80-3901—80-3906], one (1) for a term of eight (8) years, one (1) for a term of seven (7) years, one (1) for a term of six (6) years, one (1) for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. Their successors shall be appointed by the Governor with the advice and consent of the Senate for terms of eight (8) years. Commissioners shall be eligible for reappointment. If a vacancy occurs at a time when the Senate is in session the Governor shall, with the advice and consent of the Senate, appoint another commissioner for the unexpired term. If such a vacancy occurs when the Senate is not in session the Governor shall appoint a Commissioner who shall take office immediately, but his appointment shall be subject to confirmation by the Senate at the next session of the Legislature. If the appointment of such commissioner is confirmed by the Senate he shall serve the remainder of the unexpired term. Each member of the Commission shall be entitled to receive $15.00 for each day actually engaged in the performance of his duties, plus an allowance for expenses for official travel not to exceed $10.00 for each day he is entitled to compensation, and the actual cost of his transportation and no more. [Acts 1961, No. 198, § 2, p. 732; 1963, No. 493, § 1, p. 1564.]

Compiler's Notes. The provisions of this section relating to allowances with respect to per diem allowances for expenses and travel of members of the Arkansas television commission have been replaced by those provided for in § 80-3902.1, effective July 1, 1977. See § 80-3902.2 and notes thereto.

Amendments. The 1963 amendment in the first sentence substituted the word and figure "eight (8)" for "seven (7)" following "shall consist of" and substituted the words "with at least one member being appointed from each of the Congressional Districts of the State" for "no more than two of whom shall reside in the same congressional district"; added the second sentence; in the third sentence added the words "except persons actively engaged in the field of education in the public schools or institutions of higher learning in this State" following "tax sources"; in the fourth sentence substituted the word and figure "eight (8)" for "seven (7)" following "The first" and added the words and figures "one (1) for a term of eight (8) years" following "of this act"; in the fifth sentence substituted the words and figure "eight (8) years" for "seven (7) years."

Section to Section References. This section is referred to in § 80-3902.2.

80-3902.1. Compensation—Allowances—Expenses — Mileage rate. — Hereafter the members of the Arkansas Educational Television Commission shall, in lieu of the allowances provided in Section 2 of Act 198 of 1961 [§ 80-3902], as amended, be entitled to receive Fifteen Dollars ($15.00) for each day actually in attendance at Commission meetings, or in performing other duties as a member of the Commission, plus reimbursement for actual, reasonable and necessary expenses for meals, lodging and related expenses in attending Board meetings, or other official travel in behalf of the Board, and shall be entitled to mileage at the rate provided by law or regulation for travel by State employees for official travel. [Acts 1977, No. 642, § 1, p. —.]

80-3902.2. Replacement allowances under § 80-3902—Repeal.—The provisions of this Act [§§ 80-3902.1, 80-3902.2] shall replace the allowances provided in Section 2 of Act 198 of 1961 [§ 80-3902], as amended, with respect to per diem, allowances for expenses and travel of members of the Arkansas Educational Television Commission, and shall repeal only such laws or parts of laws as are specifically in conflict herewith. [Acts 1977, No. 642, § 2, p. —.]

Effective Date. Section 3 of Acts 1977, No. 642 provided that the act should become effective from and after July 1, 1977, however, such effective date would be invalid under decisions in Arkansas Tax Comm. v. Moore, 103 Ark. 48, 145 S.W. 199 (1912) and Cunningham v. Walker, 198 Ark. 928, 132 S.W.2d 24 (1939).

80-3903. Interest in facilities prohibited.—No member of the Commission shall have any financial interest in any facilities such as the Commission is authorized to deal with, including any interest in any commercial television or radio station. [Acts 1961, No. 198, § 3, p. 732.]

80-3904. Organization — Rules and regulations — Employees and agents.—Promptly after their appointment the Commissioners shall meet to organize. At such meeting they shall choose from their number a chairman, a secretary and such other officers as they deem necessary. Thereafter officers shall be elected annually. The Commission shall adopt rules regulating the conduct of its meetings and the transaction of the business of the Commission, and may appoint such agents and employees as it deems necessary, or may delegate to one or more of its members, officers, agents or employees such powers and duties as it deems proper and is authorized *to do* by legislation. [Acts 1961, No. 198, § 4, p. 732; 1963, No. 493, § 2, p. 1564.]

Amendment.

The 1963 amendment in the second sentence substituted the words "a chairman, a secretary" for "a president, a secretary."

Emergency.

Section 3 of Acts 1963, No. 493, read: "It is hereby found and determined by the General Assembly that it is in the best interests of the development of educational television in this State and of all the citizens of this State that the membership of the Arkansas Educational Television Commission be more equitably distributed over the State, and that persons engaged in the field of public education be qualified to membership on said Commission, and that this Act is immediately necessary to accomplish these purposes. Therefore an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in effect from the date of its passage and approval." Approved March 20, 1963.

80-3905. Purpose—Duties.—The Commission is organized for the purpose of making the benefits of educational television available to and promoting its use by inhabitants of Arkansas, and to this end it is hereby empowered and directed to survey, study and appraise the need for an over-all plan for the use of television facilities available for non-commercial educational use in the State. The Commission is specifically charged with the duty of controlling and supervising the use of channels reserved by the Federal Communications Commission to Arkansas for non-commercial, educational use. It may designate the location of stations to utilize such channels and make rules and regulations governing the operation of such stations and the programs televised over such channels. The Commission may own and operate television stations to utilize these channels, or it may contract with individuals, corporations, educational institutions, or other governmental agencies for the operation of such stations. [Acts 1961, No. 198, § 5, p. 732.]

80-3906. Execution of contracts and acceptance of gifts or grants authorized.—The Commission is hereby authorized to execute all contracts and other instruments necessary and convenient to carry out the mandates of this Act [§§ 80-3901—80-3906]. It may solicit and accept gifts or grants of money or property, real or personal, and voluntary and uncompensated services from any person, federal or other governmental agency, board of education, educational institution or commercial or industrial enterprise. Any gifts and grants of money and any moneys derived from the sale of real or personal property donated to the Commission may be placed in a bank in this State and may be disbursed by the Commission for the purposes for which such gifts, grant or real or personal property were donated or granted. [Acts 1961, No. 198, § 6, p. 732; 1969, No. 295, § 1, p. 906.]

Amendment.

The 1969 amendment added the third sentence.

Appropriation.

Section 7 of Acts 1961, No. 189, as amended by Section 7 of Acts 1963, No. 338, appropriated $10,000 to carry out the provisions of this act for the biennium ending June 30, 1963.

Repealing Clause.

Section 2 of Acts 1969, No. 295 repealed all laws and parts of laws in conflict therewith.

Separability.

Section 8 of Acts 1961, No. 198, read: "If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable."

Emergencies.

Section 9 of Acts 1961, No. 198, read: "It has been found and is declared by the General Assembly that public education has suffered severely from numerous disruptive influences in the past half decade; that dangerous propaganda inimical to the American way of life is rampant on all sides; that the young people of the State, future citizens and leaders, are the chief objects of brainwashing operations engineered by the minions of totalitarianism; that countermeasures to such subversive influences are necessary to the continued existence of constitutional democracy; that enactment of this bill will contribute materially to defeating the aims of this subversive propaganda. Therefore, an emergency is declared to exist and this act, being necessary for the preservation of the public peace, health, and safety, shall take effect and be in force from the date of its approval." Approved March 8, 1961.

Section 3 of Acts 1969, No. 295, read: "It is hereby found and determined by the General Assembly that the present statutory provisions are not clear as to how the moneys received by the Educational Television Commission from gifts and grants are to be handled; that there is no authorization for depositing such moneys in a bank account and disbursing such moneys for the purposes for which they were donated or granted; and that only by the passage of this act can this ambiguity be corrected. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall become effective from and after its passage and approval." Approved March 21, 1969.

80-3907. Educational television commission authorized to employ and use services of employees of other educational institutions on contract basis—Payment.—The Arkansas Educational Television Commission is hereby authorized to contract with other educational institutions in this State for the employment and use on a contract basis of the full-time or part-time services of employees of such other educational institutions and may pay for such services in accordance with the provisions of such contracts. Provided, that in the event the Arkansas Educational Television Commission shall determine that the use of such full-time or part-time services of employees of such other educational institutions in this State shall make it necessary that payment therefor be from funds appropriated for such Commission for the payment of regular salaries of employees of such Commission, upon certification of the amount thereof to the Chief Fiscal Officer of the State, such amount shall be transferred from the appropriation made for regular salaries of said Commission for the fiscal year involved, to the appropriation for maintenance and general operation of said Commission for such fiscal year, and may be expended therefrom for payments under contracts as authorized herein. [Acts 1967, No. 481, § 1, p. 1101.]

Repealing Clause.

Section 2 of Acts 1967, No. 481 repealed all laws and parts of laws in conflict therewith.

Emergency.

Section 3 of Acts 1967, No. 481, read: "It is hereby found and determined by the General Assembly that Educational Television Commission must, in order to obtain the services of capable personnel, enter into contracts with other educational institutions in this State, and that the immediate passage of this act is necessary to establish a method and procedure whereby the Educational Television Commission may make payment for such services. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval." Approved April 4, 1967.

80-3908. **Revolving cash fund authorized—Record—Audit.**—The Educational Television Commission is hereby authorized to establish in some bank authorized to do business in this State, selected by said Commission, a revolving cash fund, into which said Commission shall pay all funds received from the sale of instructional materials prepared by said Commission, or purchased by said Commission and sold to schools in *this State* in connection with educational television programs. In addition, said Commission is hereby authorized to expend from said revolving cash fund such amounts as may be necessary to purchase instructional materials for sale to schools to be used for educational television purposes, including the cost of freight, postage, handling and other delivery costs incidental to the purchase or sale thereof. The Educational Television Commission shall keep a complete record of all receipts and expenditures from said revolving cash fund, and shall make the same available to the legislative auditors for audit and verification. [Acts 1967, No. 421, § 1, p. 975.]

Repealing Clause.

Section 2 of Acts 1967, No. 421 repealed all laws and parts of laws in conflict therewith.

Emergency.

Section 3 of Acts 1967, No. 421, read: "It is hereby found and determined by the General Assembly that it is necessary for the Educational Television Commission to either prepare or purchase instructional materials for sale to schools in this State, to be used in connection with educational television programs offered by the educational television studio, and it is immediately necessary to establish authority *for* said Commission to create a revolving cash fund into which receipts from such sales may be deposited and from which expenditures may be made to purchase instructional materials, and to pay the cost of freight, postage, and other handling costs in the distribution thereof to schools in this State. Therefore, an emergency is hereby declared to exist, and this act being immediately necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval." Approved March 16, 1967.

for the preservation of the public peace, health and safety shall be in effect from the date of its passage and approval.

APPROVED: February 3, 1971.

ACT 38

AN ACT to Reorganize the Executive Department of the State of Arkansas; and for Other Purposes.

Be It Enacted by the General Assembly of the State of Arkansas:

Section 1. Legislative Purpose.—The General Assembly hereby declares that this Act is necessary to create a structure of state government which will be responsive to the needs of the people of this State and sufficiently flexible to meet changing conditions; to establish executive authority over those areas where executive responsibility presently lies; to provide a reasonable opportunity to create budgetary and administrative efficiencies within an orderly organizational structure of state government; to strengthen the role of the General Assembly in state government; to encourage greater participation of the public in state government; to effect the grouping of state agencies into a limited number of departments primarily according to function; and to eliminate overlapping and duplication of effort. It is the intent of the General Assembly to provide for an orderly transfer of powers, duties, and functions of the various state agencies to such principal departments with a minimum of disruption of governmental services and functions and with a minimum of expense. To the ends stated in this section, this Act shall be liberally construed.

Any employee who is now a member of any retirement system shall not lose any retirement benefits accrued in such system by virtue of the transfer of any department, commission, or agency herein. An employee so affected shall have the option of continuing as a member of the retirement system of which he is a member at the time of the transfer or to join the retirement system to which the transfer makes him eligible. However, the affected employee shall make his election within six months from the date of the transfer.

SECTION 2. Types of Tranfers.—(1) When any department, institution, or other agency, or part thereof, is transferred to a principal department under a *type 1* transfer, that department, institution, or other agency, or part thereof, shall be administered under the direction and supervision of that principal department, but shall retain exactly the same prescribed statutory powers, authorities, duties, and functions, including rulemaking, regulation, licensing, and registration ,and the promulgation of rules, rates, regulation, and standards, and the rendering of findings, orders, and adjudications as it had prior to the transfer and shall exercise those powers, authorities, duties, and functions independently of the head of the principal department. Following a *type 1, 2, or 4* transfer, the members (and their successors) of any statutory board or commission so transferred shall continue to be selected in the manner and serve for the terms now provided by the statute or statutes applicable to such board or commission as such statutes may, from time to time in the future be amended. Notwithstanding the above, under a *type 1* transfer, all budgeting, purchasing, and related management functions of any transferred department, institution, or other agency, or part thereof, shall be performed under the direction and supervision of the head of the principal department.

(2) Under this Act, a *type 2* transfer means the transferring of all or part of an existing department, institution, or other agency to a principal department established by this Act. When all or part of any department, institution, or other agency is transferred to a principal department under a *type 2* transfer, its statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting or purchasing, are transferred to the principal department.

(3) Under this Act, a *type 3* transfer means the abolishing of an existing department, institution, or other agency, and the transferring of all or part of its powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, to a principal department as specified under this Act.

(4) Under this Act, a *type 4* transfer means the transferring of all or part of an existing department, institution, or other agency to a principal department established by this Act. When all or part of any department, institution, or other agency is transferred to a principal department under a *type 4* transfer, the board or commission or other governing body of the transferred department, institution, or other agency is retained and shall continue to exercise its statutory authority, powers, duties and functions, except that any

rules, regulations, and standards issued by such board, commission or other governing body shall be subject to written approval by the Governor. The director of the department, institution, or other agency shall be nominated by the board or commission or governing body of the transferred department, institution, or other agency subject to confirmation by the Governor and said director shall serve at the pleasure of the Governor, and all records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and purchasing, are transferred to the principal department.

(5) When any department, institution, or other agency, or part thereof, is transferred by a *type 2* or *type 3* transfer to a principal department under the provisions of this Act, its prescribed powers, duties, and functions, including rule-making, regulation, licensing, and promulgation of rules, rates, regulations and standards, and the rendering of findings, orders, and adjudications are transferred to the head of the principal department into which the department, institution, or other agency, or part thereof, has been transferred.

SECTION 3. Agencies not enumerated—continuation.—Any existing board, commission, advisory board, or other entity not enumerated in this Act, but established by law within, or advisory to, an existing department, institution, or other agency, shall continue to exercise all its powers, duties and functions within, or as advisory to, such department, institution, or other agency, under the principal department and the type of transfer to which such department, institution, or other agency is transferred under this Act.

SECTION 4. Department of Planning—Creation—(1) There is hereby created a Department of Planning. The executive head of the Department shall be the Director of the Department of Planning. The Director shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(2) The Department of Planning shall consist of a Program Planning Division and such other divisions as may be created by law and placed under the Department of Planning.

(3) The Arkansas Planning Commission, created by Act 15 of 1963, the same being Ark. Stat. (1947) Sec. 9-306, et seq., as amended, and its functions, powers and duties are transferred by a *type 2* transfer to the Department of Planning. Hereafter any reference to the "State Planning Commission" and to the "Executive Director" of the State Planning Commission shall be deemed to refer to the Department of Planning and to the Director of the Department respectively.

(4) The Director of the Department of Planning, with the advice and the consent of the Governor, shall appoint the heads of the respective Divisions. All other personnel of the Department of Planning shall be employed by and serve at the pleasure of the Director of the Department of Planning, provided that nothing in this Act shall be construed as to reduce any right which an employee of the Department of Planning shall have under any civil service or merit system.

(5) Each Division of the Department of Planning shall be under the direction, control and supervision of the Director of the Department. The Director may delegate his functions, powers and duties to various Divisions

80-3322, is hereby restyled the State Board for Higher Education. The State Board for Higher Education and its functions, powers and duties are transferred by a *type 4* transfer to the Department of Higher Education.

(4) The several institutions of higher education in this State shall be requested to cooperate with the Department of Higher Education in an effort to coordinate their programs.

SECTION 10. Department of Education—(1) The State Department of Education, created by Act 169 of 1931, as amended by Act 127 of 1941 and by Act 250 of 1949, as amended, Ark. Stat. 80-102 et seq., is hereby restyled the Department of Education. Hereafter, any reference to the "State Department of Education" and to the "Commissioner" of the "State Department of Education" shall be deemed to refer to the Department of Education and the Director of the Department of Education respectively.

(2) The Department of Education shall consist of the State Board of Education, A Director of the Department of Education, and such divisions as presently exist within the State Department of Education transferred hereby and as may be created by law or the State Board of Education and placed under the new Department of Education.

(3) The State Board of Education shall continue to perform its powers and duties, except that the power to appoint the Director now vested in the State Board of Education shall be subject to confirmation by the Governor and the Director shall serve at the pleasure of the Governor. The Director of the Department of Education shall perform all duties and exercise all power granted by law to the Commissioner of Education.

(4) The Department of Education shall not include the Surplus Property Program, created by Act 303 of 1945, as amended by Act 353 of 1951 and Act 384 of 1953 and Act 357 of 1959, Ark. Stat. 80-132 et seq., which is transferred to the Department of Finance and Administration by Section 5 of this Act; nor the Veterans' Programs, created by Act 195 of 1947, Ark. Stat. 80-3309 et seq., which were transferred to the Department of Social and Rehabilitative Services by Section 13(9) of this Act; nor the Rehabilitation Services, created by Act 43 of 1955, as amended by Act 34 of 1959, Ark. Stat. 80-2543 et seq., nor the Division of Rehabilitation Services for the Blind, created by Act 180 of 1965, Ark. Stat. 80-2566 et seq., which are transferred to the Department of Social and Rehabilitative Services by Section 12 of this Act.

(5) The Educational Television Commission, created by Act 198 of 1961, Ark. Stat. 80-3901 et seq., and its functions, powers and duties are transferred by a *type 4* transfer to the Department of Education and located in a new Educational Television Division.

(6) The State Library Commission, created by Act 139 of 1935, as amended by Act 105 of 1941 and Act 357 of 1951, Ark. Stat. 60-302 et seq., and its functions, powers and duties are transferred by *type 1* transfer to the Department of Education to be located in a new Library Division.

(7) The Arkansas School for the Blind, created by Act 97 of 1859, as amended by Act 64 of 1879, Ark. Stat. 80-2201 et seq.; the Arkansas School for the Deaf, created by Act 36 of 1868, as amended by Act 36 of 1923, Ark. Stat. 80-2301 et seq.; and the Board of Trustees of the Arkansas School for the Blind and Arkansas School for

be performed under the direction and supervision of the head of the principal department.

(11) The Soil and Water Conservation Commission, created by Act 14 of 1963, as amended, Ark. Stat. 9-118, et seq., and its powers, duties and functions are transferred by Type 1 transfer to the Department of Commerce and located in the Division of Soil and Water Resources, provided, that under a Type 1 transfer of the Soil and Water Conservation Commission, all budgeting, purchasing, administrative and the related management functions of the Soil and Water Conservation Commission shall be performed under the direction and supervision of the head of the principal department.

SECTION 17. Nothing in this Act shall apply to State Boards that license the Professions of The Healing Arts, namely:

Basic Sciences, Arkansas Statutes, Sections 72-101-72-120

Practitioners, Arkansas Statutes, Sections 72-201-72-205

Chiropody, Arkansas Statutes, Sections 72-301-72-312

Chiropractics, Arkansas Statutes, Sections 72-401-72-414

Dentistry, Arkansas Statutes, Sections 72-501-72-570

Medicine and Surgery, Arkansas Statutes, Sections 72-601-72-623

Nursing, Arkansas Statutes, Sections 72-701-72-725

Optometry, Arkansas Statutes, Sections 72-801-72-819

Osteopathy, Arkansas Statutes, Sections 72-901-72-910

Pharmacy, Arkansas Statutes, Sections 72-1001-72-1039

Veterinary, Arkansas Statutes, Sections 72-1101-72-1116

Massage, Arkansas Statutes, Sections 72-1201-72-1222

Physical Therapy, Arkansas Statutes, Sections 72-1301-72-1316

Psychiatric Technicians, Arkansas Statutes, Sections 72-1401-72-1423

Psychology, Arkansas Statutes, Sections 72-1501-72-1518.

SECTION 17. This act shall not affect the orders, rules, regulations, and standards heretofore made or promulgated by any department, institution, division, bureau, board, commission, council or other agency, the functions, powers and duties of which have been herein assigned or transferred to a principal department established by this Act; but such orders, rules, regulations, and standards shall continue with full force and effect until amended or repealed pursuant to law.

SECTION 18. This Act shall not affect actions or proceedings, civil or criminal, brought by or against any department, institution, division, bureau, board, commission, council or other agency, the functions, powers and duties of which have been herein assigned or transferred to a principal department established by this Act and pending on the effective date of this Act, but such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the department or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, any department, institution, divisions, bureau, board, commission, council, or other agency, the functions, powers and duties of which have been herein assigned or transferred to a principal department established by this Act, and all such matters or proceedings pending before such department, institution, division, bureau, board, commission, council or other agency on the effective date of this Act shall be continued by the principal department to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect.

SECTION 19. Unless specifically otherwise provided in this Act or by any operative law, whenever, pursuant to existing law, reports, certifications, applications or requests are required or permitted to be made to a department, institution, division, bureau, board, commission, council or other agency, whose powers and duties are herein assigned or transferred by a type 2, 3, or 4 transfers, such reports and certifications shall hereafter be filed with, and such applications or requests shall hereafter be made to, the principal department or agency to which assignment or transfer has been made hereunder.

SECTION 20. Anticipatory action to implement the provisions of this Act may be taken prior to the effective date hereof, including the making of authorized appointments, and confirmation or approval thereof.

SECTION 21. Irrespective of other provisions of this Act to the contrary, whenever the laws in effect on the date of the passage of this Act shall have required Senatorial confirmation of the appointment of any board or commission member, or of the head of any agency or department of government, or of any head of a division or an agency or department of government, which is consolidated or merged to a principal department under this Act, such appointment shall be as provided in this Act with respect to all agencies merged or consolidated into a principal department by a Type 1, 2, 3, or 4 transfer. It is the intent of this Act that with respect to all affairs of government which are under the administrative control or responsibility of any official of government whose appointments were subject to Senatorial confirmation prior to the passage of this Act, the head of the successor department or the head of the division within the successor department into which any such agency or program was merged, shall be subject to confirmation of the Senate.

SECTION 22. Severability Clause—The General Assembly hereby declares that each of the sections and provisions of this Act are severable, and in the event that any one or more of such sections or provisions are subsequently declared unconstitutional or invalid, the remaining sections and provisions of this Act shall be valid, it being the intent of the General Assembly that such remaining valid sections and provisions shall remain in full force and effect.

SECTION 23. Effective Date of Transfers—All the reorganization contemplated by this Act shall be accomplished on or before July 1, 1971.

California West's Annotated California Codes; Government Code
Cumulative Pocket Part 1979

CHAPTER 10. PUBLIC BROADCASTING ACT OF 1975 [NEW]

Article Section
1. General Provisions and Definitions 8800
2. California Public Broadcasting Commission 8810
3. Powers and Duties 8820
4. Advisory Committees 8830
5. Funding 8835

Chapter 10 was added by Stats.1975, c. 1227, p. 3103, § 1.

Former Chapter 10, California Advisory Commission on Marine and Coastal Resources added by Stats.1967, c. 1642, p. 3934, § 1, was repealed by Stats.1973, c. 988, p. 1905, § 1.

Former chapter 10, which provided for the conservation and development of marine and coastal resources, creation of a commission, reviewal of comprehensive ocean plan, and investigation and study of marine science and environment, consisted of: Article 1, Declaration of Policy and Objectives embracing sections 8800, 8801; Article 2, Definitions, embracing sections 8805 to 8807; Article 3, Creation and Membership, embracing sections 8810 to 8813; Article 4, Powers of the Commission, embracing sections 8815 to 8820; and Article 5, Responsibilities and Duties of the Commission, embracing sections 8825 to 8827.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec.
8800. Citation.
8801. Legislative finding and declaration.
8802. Construction; definitions.
8803. Commission.
8804. Corporation for Public Broadcasting.
8804.5 Instructional programming.
8805. Interconnection.
8806 Public broadcast programming.
8807. Public broadcasting station.
8807.5 Instructional committee.
8808. Radio committee.
8809. T.V. committee.
8809.5 Severability.

Article 1 was added by Stats.1975, c. 1227, p. 3103, § 1.

Library References

Educational television. Report of Assembly Interim Committee on Ways and Means, 1960, vol. 21, No. 3. Vol. 2 of Appendix to Journal of the Assembly, Reg.Sess., 1961.

Instructional and educational television. Report of Senate Fact Finding Committee on Education, 1961, p. 83. Vol. 1 of Appendix to Journal of the Senate, Reg.Sess., 1961.

§ 8800. Citation

This chapter shall be known and may be cited as the Public Broadcasting Act of 1975.

(Added by Stats.1975, c. 1227, p. 3103, § 1.)

Former § 8800, which related to policy, added by Stats.1967, c. 1642, p. 3934, § 1, was repealed by Stats.1973, c. 988, p. 1905, § 1.

Library References

Telecommunications ⚷381.

C.J.S. Telegraphs, Telephones, Radio and Television §§ 292, 316.

§ 8801. Legislative finding and declaration

The Legislature finds and declares as follows:

(a) It is the policy of this state to support and encourage the provision of a high-quality educational, cultural, and public affairs program service designed to meet the needs of the citizens of this state and its various localities.

(b) It is the policy of this state that in so supporting and encouraging such a program service, all decisions affecting the content and scheduling of such service are the sole responsibility of each licensee and shall be free from improper interference.

(c) Existing public broadcasting stations represent a valuable public resource, the facilities, skills, and talent of which should be utilized to the maximum feasible extent in carrying out the purposes of this chapter.

(Added by Stats.1975, c. 1227, p. 3103, § 1.)

Former § 8801, which provided for objectives of plan, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

§ 8802. Construction; definitions

The definitions contained in this article shall govern the construction of this chapter unless the context requires otherwise.

(Added by Stats.1975, c. 1227, p. 3104, § 1.)

Library References
Words and Phrases (Perm. Ed.)

§ 8803. Commission

"Commission" means the California Public Broadcasting Commission.

(Added by Stats.1975, c. 1227, p. 3104, § 1.)

§ 8804. Corporation for Public Broadcasting

"Corporation for Public Broadcasting" means the corporation established pursuant to Section 396 of Title 47 of the United States Code.

(Added by Stats.1975, c. 1227, p. 3104, § 1.)

§ 8804.5 Instructional programming

"Instructional programming" means public broadcast programming which is curriculum related, whether for credit or not.

(Added by Stats.1975, c. 1227, p. 3104, § 1.)

§ 8805. Interconnection

"Interconnection" means the use of apparatus or equipment for the electronic transmission and distribution of public broadcast programming to public broadcasting stations.

(Added by Stats.1975, c. 1227, p. 3104, § 1.)

Former § 8805, which related to marine science, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1906, § 1.

§ 8806. Public broadcast programming

"Public broadcast programming" means programming intended for presentation on public broadcast stations, including, but not limited to, public affairs, cultural, and instructional programming.

(Added by Stats.1975, c. 1227, p. 3104, § 1.)

Former § 8806, which related to marine and coastal environment was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

§ 8807. Public broadcasting station

"Public broadcasting station" means a noncommercial educational broadcasting station licensed as such by the Federal Communications Commission and eligible for financial grants from the Corporation for Public Broadcasting, as well as any other noncommercial educational broadcasting stations designated by the commission. The commission shall establish such criteria for the qualification of other

stations as public broadcasting stations as it determines are reasonably necessary to carry out the purposes of this chapter.
(Added by Stats.1975, c. 1227, p. 3104, § 1.)

Former § 8807, which provided for short title, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

§ 8807.5 Instructional committee

"Instructional committee" means the instructional broadcast advisory committee created by Article 4 (commencing with Section 8830) of this chapter.
(Added by Stats.1975, c. 1227, p. 3104, § 1.)

§ 8808. Radio committee

"Radio committee" means the radio advisory committee created by Article 4 (commencing with Section 8830) of this chapter.
(Added by Stats.1975, c. 1227, p. 3104, § 1.)

§ 8809. T.V. committee

"T.V. committee" means the television advisory committee created by Article 4 (commencing with Section 8830) of this chapter.
(Added by Stats.1975, c. 1227, p. 3104, § 1.)

§ 8809.5 Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.
(Added by Stats.1975, c. 1227, p. 3104, § 1.)

ARTICLE 2. CALIFORNIA PUBLIC BROADCASTING COMMISSION

Sec.
8810. Creation
8811. Membership; appointment; term; vacancies.
8812. Qualifications of members.
8813. Compensation; expenses.
8814. Chairman; vice chairman.
8815. Executive secretary; staff.
8816. Use of existing facilities.
8817. Employees; compensation from other sources; appointment and removal.
8818. Open and public meetings.
8819. Repealed.

Article 2 was added by Stats.1975, c. 1227, p. 3105, § 1.

§ 8810. Creation

The California Public Broadcasting Commission is hereby created in state government as an independent commission in order to encourage the growth and development of public broadcasting services to the people of this state.
(Added by Stats.1975, c. 1227, p. 3105, § 1.)

Former § 8810, which created the commission, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

Library References
Telecommunications ⟹5.
C.J.S. Telegraphs, Telephones, Radio and Television §§ 81, 90, 298.

§ 8811. Membership; appointment; term; vacancies

The commission shall consist of 11 members, as follows:

(a) Five members appointed by the Governor for terms of five years, except that the terms of the original members shall be as follows: one member shall be appointed for one year, one member for two years, one member for three years, one member for four years, and one member for five years. One such appointee shall be from a commercial broadcast station.

(b) Two members appointed by the Speaker of the Assembly for terms of four years, except that the terms of the original members shall be as follows: one member shall be appointed for one year, and one member for three years.

(c) Two members appointed by the Senate Committee on Rules for terms of four years, except that the terms of the original members shall be as follows: one member shall be appointed for two years, and one member for four years.

(d) The Superintendent of Public Instruction.

(e) The Director of the Postsecondary Education Commission.

All initial appointments shall be made on or before March 1, 1976, and all subsequent vacancies shall be filled within 30 days of their occurrence by the authority which made the original appointment to the vacant position.

At no time shall more than six members of the commission be affiliated with the same political party.
(Added by Stats.1975, c. 1227, p. 3105, § 1.)

Former § 8811, which related to membership of commission and interim investigating committee, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

§ 8812. Qualifications of members

Appointees to the commission shall be persons who are eminent in such fields as education, cultural affairs, public service, or the arts, including public broadcasting. They shall, as nearly as practicable, provide a broad representation of the various regions of the state, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the commission.
(Added by Stats.1975, c. 1227, p. 3105, § 1.)

Former § 8812, which provided for term and compensation of the commission, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

§ 8813. Compensation; expenses

The appointive members of the commission shall be compensated at the rate of one hundred dollars ($100) for each day of official commission meetings they attend. Commission members shall be reimbursed for expenses incurred in the performance of their official duties.
(Added by Stats.1975, c. 1227, p. 3105, § 1.)

Former § 8813, which provided for selection of chairman and vice chairman of the commission, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

§ 8814. Chairman; vice chairman

The commission shall select annually from among its membership a chairman and vice chairman.
(Added by Stats.1975, c. 1227, p. 3105, § 1.)

§ 8815. Executive secretary; staff

The commission shall appoint an executive secretary and employ such staff as it may deem necessary in performing the duties prescribed by this chapter.
(Added by Stats.1975, c. 1227, p. 3105, § 1.)

Former § 8815, which provided for meetings, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

§ 8816. Use of existing facilities

The commission shall, in carrying out its responsibility and exercising its authority, make maximum use, for the purposes of economy, efficiency, and effectiveness, of existing public broadcast facilities in California, as well as state-owned telecommunications facilities appropriate for use in interconnection.
(Added by Stats.1975, c. 1227, p. 3105, § 1.)

Former § 8816, which provided for rules of procedure and attendance of meetings by representatives, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

§ 8817. Employees; compensation from other sources; appointment and removal

(a) The commission shall adopt and enforce reasonable standards governing the acceptance of any salary or other compensation by its employees from sources other than the commission during the course of their employment by the commission.

(b) The executive secretary, subject to general policies adopted by the commission, may appoint or remove, subject to civil service, such employees of the commission as deemed necessary to carry out the purposes of the commission.

(Added by Stats.1975, c. 1227, p. 3106, § 1.)

Former § 8817, which provided for employment of a consultant and clerical assistants, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

§ 8818. Open and public meetings

The meetings of the commission shall be open and public in accordance with Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of this title.

(Added by Stats.1975, c. 1227, p. 3106, § 1.)

Former § 8818, which related to cooperation of state agencies in furnishing information, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

§ 8819. Repealed by Stats.1973, c. 988, p. 1905, § 1

Former § 8819, which related to contracts and agreements, was added by Stats.1967, c. 1642, p. 3934, § 1.

ARTICLE 3. POWERS AND DUTIES

Sec.

8820. Policy.
8821. Grants to aid improvement.
8822. Statewide distribution of public television and radio programs.
8823. Grants for development, production and acquisition of public broadcast programming.
8824. Federal, state and other public or private funds.
8825. Research and demonstration activities.
8826. Contracts, leases and arrangements.
8827. Interference with or control of program content, scheduling, or activities.
8828. Annual report.

Article 3 was added by Stats.1975, c. 1227, p. 3106, § 1.

§ 8820. Policy

The commission shall develop and support a statewide policy to encourage the orderly growth and development of public broadcasting service responsive to the informational, cultural, and educational needs of the people of California.

(Added by Stats.1975, c. 1227, p. 3106, § 1.)

Former § 8820, which provided authority to perform duties, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

Library References

Telecommunications 🔑383.
C.J.S. Telegraphs, Telephones, Radio and Television §§ 298 to 301, 316.

1. *In general*

Democratic county central committee members, depending on factual circumstances, may be liable for contractual obligations of the committee. 59 Ops.Atty.Gen. 162, 3-10-76.

§ 8821. Grants to aid improvement

The commission may make grants to public broadcasting stations in order to aid in the improvement of their broadcast operations, programming, and capital facilities and equipment.

(Added by Stats.1975, c. 1227, p. 3106, § 1.)

§ 8822. Statewide distribution of public television and radio programs

The commission may cause to be established, managed, and operated systems of interconnection and other methods of statewide distribution of public television and radio programs. At least two audio and one video channel of such interconnection system shall be reserved at all times for priority use by public broadcast stations.

(Added by Stats.1975, c. 1227, p. 3106, § 1.)

§ 8823. Grants for development, production and acquisition of public broadcast programming

The commission may, taking into account the advice of the radio committee or the T.V. committee, as appropriate, make grants for the development, production, and acquisition of public broadcast programming.

(Added by Stats.1975, c. 1227, p. 3106, § 1.)

§ 8824. Federal, state and other public or private funds

The commission may apply for, receive, and distribute federal funds, state funds, and other public or private funds from any source for all or any purposes of this chapter.

(Added by Stats.1975, c. 1227, p. 3106, § 1.)

§ 8825. Research and demonstration activities

The commission may conduct, through grants or contracts, research and demonstration activities in matters relating to public broadcasting.

(Added by Stats.1975, c. 1227, p. 3106, § 1.)

Former § 8825, which related to review of comprehensive ocean area plan and recommendations, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

§ 8826. Contracts, leases and arrangements

The commission may enter into contracts, leases, and other arrangements, and shall do all things necessary and proper to carry out the provisions of this chapter, consistent with state and federal law, and may promulgate rules and regulations relative thereto.

(Added by Stats.1975, c. 1227, p. 3106, § 1.)

Former § 8826, which provided for investigation and study of marine science and coastal environment, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

§ 8827. Interference with or control of program content, scheduling, or activities

The commission shall perform its duties under this chapter in a manner that will assure the maximum freedom of the public broadcasting stations and systems from interference with or control of program content, scheduling, or other activities.

(Added by Stats.1975, c. 1227, p. 3106, § 1.)

Former § 8827, which related to annual report, was added by Stats.1967, c. 1642, p. 3934, § 1, and was repealed by Stats.1973, c. 988, p. 1905, § 1.

§ 8828. Annual report

The commission shall submit an annual report to the Governor and the Legislature, on or before December 31 of each year, covering the commission's activities, financial condition, and accomplishments under this chapter for the preceding fiscal year ending June 30, as well as such recommendations as the commission deems appropriate.

(Added by Stats.1975, c. 1227, p. 3106, § 1.)

ARTICLE 4. ADVISORY COMMITTEES

Sec.
8830. Committees; establishment; chairmen; compensation.
8831. Radio and T.V. committees; appointment or representatives; responsibilities.
8832. Instructional committee; membership.
8833. Instructional committee; responsibility.

Article 4 was added by Stats.1975, c. 1227, p. 3107, § 1.

§ 8830. Committees; establishment; chairmen; compensation

At its first meeting, the commission shall establish the radio committee, the T.V. committee, and the instructional committee. Each committee shall elect a chairman who shall convene the committee whenever the commission or one-third of the committee members so request or whenever the chairman deems a meeting appropriate. Committee members shall be compensated by the commission for their necessary and proper expenses in fulfilling their duties under this chapter.

(Added by Stats.1975, c. 1227, p. 3107, § 1.)

Library References
Telecommunications 🔑5, 383.
C.J.S. Telegraphs, Telephones, Radio and Television §§ 81, 90, 298 to 301, 316.

§ 8831. Radio and T.V. committees; appointment of representatives; responsibilities

Each public radio station may appoint a representative to the radio committee, and each public television station may appoint a representative to the T.V. committee. The radio and T.V. committees shall advise the commission on the implementation of this chapter. In fulfilling this responsibility, the radio and T.V. committees may do all of, but shall not be limited to, the following:

(a) Periodically prepare an assessment of statewide public broadcast programming needs.

(b) Recommend appropriate actions by the commission pursuant to Section 8823 to meet the needs identified under subdivision (a).

(c) Make recommendations on grants for production or contracts for acquisition of programming.

(d) Make recommendations on the management and operation of interconnection systems.

(e) Make recommendations on grants for improvement of station facilities and equipment.

(f) Make recommendations on statewide support services, such as promotion, development, engineering, research, program information, and personnel recruitment.

(Added by Stats.1975, c. 1227, p. 3107, § 1.)

§ 8832. Instructional committee; membership

The commission shall also establish the instructional committee composed of one member and one alternate member appointed for one-year terms by each of the following:

(a) The Regents of the University of California.
(b) The Trustees of the California State University and Colleges.
(c) The Board of Governors of the California Community Colleges.
(d) The independent California colleges and universities.
(e) The vocational and private postsecondary institutions.
(f) The Superintendent of Public Instruction.
(g) The private primary and secondary schools.

(Added by Stats.1975, c. 1227, p. 3107, § 1.)

§ 8833. Instructional committee; responsibility

The instructional committee shall advise the commission on instructional programming. In fulfilling this responsibility, the committee may do all of, but shall not be limited to, the following:

Underline indicates changes or additions by amendment

(a) Periodically prepare an assessment of statewide instructional programming needs.

(b) Recommend appropriate actions by the commission pursuant to Section 8823 to meet the needs identified under subdivision (a).

(c) Make recommendations on grants for production or contracts for acquisition of instructional programming.

(d) Make recommendations on statewide support services, such as promotion, development, engineering, research, program information, and personnel recruitment related to instructional programming.

(Added by Stats.1975, c. 1227, p. 3107, § 1.)

ARTICLE 5. FUNDING

Sec.
8835. California public broadcasting fund; creation.
8836. Distribution; percentage; repeal of section.
8836. Distribution; percentage [New].
8836.5 Formula for reserve for distribution; review of criteria and conditions regarding distribution; purpose; limitation.
8837. Annual financial statement; records and audit of recipients; forms.
8838. Construction; responsibilities; conflict; succession to and vesting of powers and responsibilities.

Article 5 was added by Stats.1975, c. 1227, p. 3108, § 1.

§ 8835. California public broadcasting fund; creation

(a) The California Public Broadcasting Fund is hereby created in the State Treasury, effective January 1, 1976. The fund shall be a means of annually funding state support for the development, operation, interconnection, and programming of public broadcasting stations.

(b) The State Controller shall transfer from the General Fund to the California Public Broadcasting Fund one hundred eighty-three thousand dollars ($183,000) in the 1975–76 fiscal year.

(Added by Stats.1975, c. 1227, p. 3108, § 1.)

Library References
Telecommunications ⇐381.
C.J.S. Telegraphs, Telephones, Radio and Television §§ 292, 316.

§ 8836. Distribution; percentage; repeal of section

Text of section operative until January 1, 1981

The commission shall annually divide the total amount, less the commission's necessary administrative expenses, available from the California Public Broadcasting Fund for distribution to public broadcasting stations into * * * three accounts, * * * a television account to be used for television purposes, * * * a radio account to be used for radio purposes * * *, and a discretionary account to be used for radio or television purposes, or for both radio and television purposes, as the commission deems necessary. The television account * * * shall be allocated * * * no less than 70 percent of the amount available * * *, the radio account * * * shall be allocated * * * no less than 15 percent of the amount available, and the balance shall be allocated to the discretionary account.

This section shall remain in effect only until January 1, 1981, and as of that date is repealed.

(Added by Stats.1975, c. 1227, p. 3108, § 1. Amended by Stats.1978, c. 1066, p. —, § 1, urgency, eff. Sept. 25, 1978.)

For text of section operative January 1, 1981, see § 8836, post.

Asterisks * * * indicate deletions by amendment

§ 8836. Distribution; percentage

Text of section operative January 1, 1981

The commission shall annually divide the total amount, less the commission's necessary administrative expenses, available from the California Public Broadcasting Fund for distribution to public broadcasting stations into two accounts, one to be used for television purposes, and one to be used for radio purposes. The account used for television purposes shall be allocated 83.25 percent of the amount available and the account used for radio purposes shall be allocated 16.75 percent of the amount available.

This section shall become operative on January 1, 1981.

(Added by Stats.1978, c. 1068, p. —, § 2, urgency, eff. Sept. 25, 1978, operative Jan. 1, 1981.)

For text of section operative until January 1, 1981, see § 8836, ante.

Section 3 of Stats.1978, c. 1068, p. —, provides:

"It is the intent of the Legislature that the amendments to Section 8836 of the Government Code which are made by Section 1 of this act shall remain in effect only until January 1, 1981, and on that date Section 2 of this act shall become operative to restore Section 8836 to the form in which it read immediately prior to the effective date of this act."

§ 8836.5 Formula for reserve for distribution; review of criteria and conditions regarding distribution; purpose; limitation

(a) The commission shall reserve for distribution among the public broadcasting stations an amount not less than 25 percent of the television account and not less than 25 percent of the radio account established pursuant to Section 8836 for use, at each station's discretion, in activities related to its local community broadcast operations. Until the commission by regulation establishes a different formula, and in any event during the first 12 months of operation, distribution of such amounts shall be made as follows:

(1) For television purposes, 40 percent of such amounts shall be divided by the number of stations qualifying as public broadcast stations and distributed equally, 12 percent shall be distributed to each such station in proportion to the population served by that station, as determined by the Corporation for Public Broadcasting, and 48 percent shall be divided among all such stations in proportion to their income exclusive of all commission funds, as determined by the Corporation for Public Broadcasting.

(2) For radio purposes, each station qualifying as a public broadcast station shall receive an equal share.

(b) The commission shall, after consultation with the radio and television committees, establish, and review annually, criteria and conditions regarding the distribution of amounts disbursed from the California Public Broadcasting Fund into the television and radio accounts established pursuant to Section 8836.

(c) Amounts disbursed under this section are to be used to finance projects that will augment the ability of public broadcasting stations to serve their communities. These amounts are not to be used to supplant funds already budgeted.

(d) This section shall be of no force or effect during any year in which the commission's total budget is less than five hundred thousand dollars ($500,000). (Added by Stats.1975, c. 1227, p. 3108, § 1.)

§ 8837. Annual financial statement; records and audit of recipients; forms

(a) The commission shall prepare an annual financial statement showing all income and expenditures for the preceding year. The commission shall, by regulation, require each recipient of assistance by grant or contract, other than a fixed price contract awarded pursuant to competitive bidding procedures, under this chapter to keep such records as the commission determines are reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit pursuant to Section 8838.

(b) The commission may prescribe forms for the compilation of the information required by this section.
(Added by Stats.1975, c. 1227, p. 3109, § 1.)

§ 8838. Construction; responsibilities; conflict; succession to and vesting of powers and responsibilities

Nothing in this chapter shall be deemed to supersede the responsibilities of a state agency or regional or local agency except as expressly provided. Nothing in this chapter shall be construed to conflict with Section 6443.5, 6444, 6444.1, 6444.2, or 6444.3 of the Education Code.

The commission succeeds to and is vested with all powers and responsibilities previously vested in the Director and Department of General Services by Section 14657 of the Government Code and Article 8 (commencing with Section 14716) of Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code.
(Added by Stats.1975, c. 1227, p. 3109, § 1.)

California West's Annotated California Codes; Government Code

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§ 37110.5 Contributions to nonprofit educational radio and television stations; conditions

The legislative body may authorize and provide for contributions to nonprofit educational radio and television stations, provided all of the following conditions exist:

(1) The purpose of the contribution is to enable the citizens of the city to enjoy greater educational and cultural advantages.

(2) A substantial number of the residents of the city live within the reception area of the station.

(3) The station regularly broadcasts programs which have educational or cultural significance.

(4) The contribution is to the general funds of the station and not for or in connection with any particular program.

(5) The contribution is not accompanied, directly or indirectly, by any direction of, sponsorship of, control of, or restriction of any program or the content of any program.

(Added by Stats.1975, c. 390, p. 868, § 1.)

Library References
Municipal Corporations 🔑860.
C.J.S. Municipal Corporations § 1835 et seq.

West's Annotated California Codes; Business and Professions Code

§ 24045.2 Special temporary retail package off-sale beer and wine license; TV or public broadcasting station

(a) The department may issue a special temporary retail package off-sale beer and wine license to: (1) a television station, supported wholly or in part by public membership subscription, which is a nonprofit, charitable corporation exempt from payment of income taxes under the provisions of the Internal Revenue Code of 1954 of the United States, or (2) a nonprofit, charitable corporation exempt from payment of income taxes under the provisions of the Internal Revenue Code of 1954 of the United States which receives and administers donations for a noncommercial, educational television station or public broadcasting station supported wholly or in part by public membership subscription. An applicant for such a license shall accompany the application with a fee of one hundred dollars ($100).

(b) Such a license shall only entitle the licensee to sell at auction beer and wine donated to it; however, no such beer or wine shall be sold at less than the minimum retail price therefor, established pursuant to provisions of this division. Notwithstanding any other provision of this division, licensees may donate beer, wine, or both beer and wine, to a corporation licensed under this section, provided such donations are not made in connection with a sale of an alcoholic beverage.

(c) Such a license shall be for a period not exceeding 30 days. Only one such license shall be issued to any corporation in any 12-month period.

(Added by Stats.1972, c. 66, p. 83, § 1, urgency, eff. May 5, 1972. Amended by Stats. 1975, c. 403, p. 880, § 1.)

ARTICLE 50
PUBLIC SCHOOL FINANCE ACT OF 1973

22-50-101. Short title. This article shall be known and may be cited as the "Public School Finance Act of 1973".

22-50-101.5. Legislative declaration - full funding of categorical programs. It is the intent of the general assembly that state transportation aid, provided pursuant to article 51 of this title, state vocational education aid, provided pursuant to article 8 of title 23, C.R.S. 1973, state small attendance center aid, provided pursuant to section 22-50-113, and state special education aid, provided pursuant to the "Handicapped Children's Educational Act", shall be funded at the full entitlement level of participating school districts under the provisions of the applicable state law. In the event that the appropriation for any of the aforementioned programs is not sufficient to fully fund the entitlements of the participating school districts, the administering state agency shall submit a request for a supplemental appropriation to the general assembly during the fiscal year in which such underfunding occurs in an amount which will fully fund said entitlements. The general assembly shall give timely consideration to any such request for a supplemental appropriation to fully fund the entitlements of participating school districts.

22-50-101.7. Legislative declaration - use of general fund revenues in excess of seven percent limitation to fund article. (1) The general assembly hereby finds and declares that the funding of this article through appropriation of general fund revenues in excess of the seven percent limitation prescribed in section 24-75-201.1, C.R.S. 1973, is proper to the extent that the distribution of said revenues under this article will achieve property tax relief.

(2) The general assembly hereby declares that it is the intent of this article and sections 22-40-102 (6) and 39-10-103, C.R.S. 1973, to recognize and accommodate some of the geographic, demographic, and economic conditions which cause levels of taxation and costs of education to vary among the school districts of the state and, through a variety of funding mechanisms, to provide school districts with the fiscal capability to deliver educational services to children enrolled in public schools in accordance with the constitution and laws of the state of Colorado.

22-50-102. Definitions. As used in this article, unless the context otherwise requires:

(1) (a) "Aggregate of daily attendance", for any period of time, means the cumulative total of the days of attendance in the public schools of a district during the period of time by all regularly enrolled pupils under the age of twenty-one years who have not completed the twelfth grade in any high school, including pupils enrolled in kindergarten classes, counting one day of attendance for each pupil in attendance for at least one full period of the regular instruction program beyond one-half of the number of hours of the school day, and counting one-half day of attendance for each pupil in attendance for at least one full period of the regular instruction program but less than the number of hours required for the counting of a full day of attendance, and counting one-half day of attendance for each pupil attending night school classes for a minimum of two hours.

(b) For the period July 1, 1976, through June 30, 1979, pupils enrolled in kindergarten classes shall be counted as one-half day of attendance or, alternatively, not more than a total of ninety full days per year of attendance, regardless of the number of days or hours of actual attendance; except that a district shall be entitled to count as one full day of attendance for the entire year the number of pupils enrolled in kindergarten classes of four hours and fifteen minutes per day or more, not to exceed the number counted by the district as full-day pupils during the four-week period ending the fourth Friday of October, 1975, or other counting period as provided in section 22-50-104 (1), during the calendar year 1975. The total number of pupils enrolled in kindergarten classes statewide who may be counted as one full day of attendance for the entire year shall not exceed three thousand five hundred.

(2) "Aggregate of daily membership", for any period of time, means the potential cumulative total of the days of attendance during the period of time, assuming all pupils to be in attendance one hundred percent of the time for which they are enrolled, and counting one-half day of membership for each pupil so enrolled

to the treasurer of any district which has elected under law to withdraw its funds from the custody of the county treasurer or, in any other case, to the treasurer of the county in which the district is located, who shall forthwith credit or pay over such amount to the general fund of each said district.

22-50-113.3. Additional aid to districts with high concentrations of children from low-income families. (1) Any school district with a high concentration of children from low-income families shall be entitled to receive additional state support if the number of children from low-income families exceeds fifteen percent of the attendance entitlement of such district.

(2) Beginning January 1, 1978, for each budget year, a school district qualifying for additional state support pursuant to the provisions of subsection (1) of this section shall receive one hundred twenty-five dollars for each child from a low-income family in excess of fifteen percent of the attendance entitlement of such district.

(3) The general assembly annually shall make a separate appropriation to the state public school fund to cover the state's share of the estimated cost of additional support to be provided districts pursuant to the provisions of this section. If the amount of the appropriation made is less than the total amount determined to be the state's actual share of support to be provided all eligible districts pursuant to the provisions of this section, then the amount to be distributed to any district shall be in the same proportion as the amount of the appropriation made bears to such total amount determined to be the state's actual share. Any unexpended balance of the appropriation shall revert to the general fund at the end of the state's fiscal year.

22-50-113.5. Additional aid to districts with increased enrollment during budget year. (1) Beginning January 1, 1977, and for each budget year thereafter, any school district with an increase in enrollment during a budget year that will result in an increase in the district's attendance entitlement for the next budget year shall be entitled to receive additional state support during the budget year in which such growth occurs equal to forty percent of the district's authorized revenue base for the then current budget year for each pupil that will increase the district attendance entitlement for the next budget year which exceeds the lesser of:

(a) Three percent of the district's attendance entitlement for the then current budget year; or

(b) Three hundred and fifty pupils.

(2) The general assembly annually shall make a separate appropriation to the state public school fund to cover the state's share of the estimated cost of additional support to be provided districts pursuant to the provisions of this section. If the amount of the appropriation made is less than the total amount determined to be the state's actual share of support to be provided all eligible districts pursuant to the provisions of this section, then the amount to be distributed to any district shall be in the same proportion as, the amount of the appropriation made bears to such total amount determined to be the state's actual share. Any unexpended balance of the appropriation shall revert to the general fund at the end of the state's fiscal year.

(3) Upon determination of the amount to be paid to each eligible district, the state board shall, by order upon the state treasurer, direct payment of such amount to the treasurer of any district which has elected under law to withdraw its funds from the custody of the county treasurer or, in any other case, to the treasurer of the county in which the district is located, who shall forthwith credit or pay over such amount to the general fund of each said district.

22-50-113.7. Aid for instructional television. (1) Any school district that financially supports and operates a licensed public educational television station, the programing of which is received by at least fifty percent of the total attendance entitlement of the state, is entitled to receive state support for such station.

(2) Beginning January 1, 1977, and for each budget year thereafter, a school district qualified for state support pursuant to the provisions of subsection (1) of this section shall receive one dollar for each pupil of attendance entitlement in school districts within the coverage area of such station, as defined by 47 C.F.R. 73.683, and determined by the department of education.

(3) In addition to school districts covered under the provisions of subsections (1) and (2) of this section, any other school district supporting a licensed public educational television station shall receive one dollar for each pupil of attendance entitlement in the school district. Such moneys received by the local school district shall be paid by the district to the educational television station. The total state assistance for this subsection (3) shall not exceed one hundred thousand dollars.

(4) The general assembly shall annually make a separate appropriation to the department of education to cover the state's share of the estimated cost pursuant to the provisions of this section. If the amount of the appropriation made is less than the total amount determined to be the state's actual share of support to be provided all eligible districts pursuant to the provisions of this section, then the amount to be distributed to any district shall be in the same proportion as the amount of the appropriation bears to such total amount determined to be the state's actual share. Any unexpended balance of the appropriation shall revert to the general fund at the end of the state's fiscal year.

(5) Upon determination of the amount to be paid to each eligible district, the state board shall, by order upon the state treasurer, direct payment of such amount to the treasurer of any district which has elected under law to withdraw its funds from the custody of the county treasurer or, in any other case, to the treasurer of the county in which the district is located, who shall forthwith credit or pay over such amount to the general fund of each said district.

22-50-114. Contingency reserve. (1) An amount to be determined by the general assembly shall be appropriated annually to the state public school fund as a contingency reserve. The state board is authorized to approve and order payments from such contingency reserve for supplemental assistance to districts determined to be in need thereof as the result of any or all of the following circumstances:

(a) Financial emergencies caused by an act of God, or financial emergencies arising from extraordinary problems in the collection of taxes;

(b) Any contingency which could not have been reasonably foreseen at the time of the adoption of the annual budget;

(c) Unusual circumstances resulting from small attendance conditions not otherwise provided for in this article. Small attendance shall be that maximum number of pupils in attendance as determined pursuant to section 22-50-113.

(d) Unusual financial burden caused by instruction of children who formerly resided outside the district but have been assigned to live within the district by courts or public welfare agencies. Such supplemental assistance shall not exceed the additional cost for current operations incurred by this circumstance.

(2) Application by a district for supplemental assistance shall set forth fully the grounds upon which it relies for assistance and shall be sworn to under oath by the president and secretary of the district board of the district.

(3) The state board shall conduct such investigation as it deems proper, and if it finds that an application should be approved, it shall determine the amount to be paid and, by order upon the state treasurer, shall direct payment from the contingency reserve of such amount to the treasurer of any district which has elected under law to withdraw its funds from the custody of the county treasurer or, in any other case, to the treasurer of the county in which the district is located, who shall forthwith credit or pay over such amount to the general fund of the district.

(4) Notwithstanding the provisions of subsection (1) of this section, concerning circumstances under which the state board may approve and order payments from the contingency reserve, the state board may, in cases of extreme emergency, take into consideration such other factors as it may deem necessary and proper in

State of Colorado

EXECUTIVE CHAMBERS
136 State Capitol
Denver
80203

RICHARD D. LAMM
Governor

839-2471

EXECUTIVE ORDER

GOVERNOR'S COMMISSION ON PUBLIC TELECOMMUNICATIONS

WHEREAS, public telecommunications is an important element of Colorado's educational, cultural, information and communication system; and

WHEREAS, there is a need in the State of Colorado for a plan to direct the coordination and development of appropriate telecommunications activities in the most effective and efficient manner for the greatest benefit of all citizens;

NOW, THEREFORE, I, Richard D. Lamm, Governor of the State of Colorado, by virtue of the authority vested in me under the Laws of the State of Colorado, do hereby create:

THE GOVERNOR'S COMMISSION ON PUBLIC TELECOMMUNICATIONS

ITS RESPONSIBILITIES shall be as follows:

1. Act as primary resource in an advisory capacity for the development of telecommunications policy to be embodied in a State Telecommunications Plan.

2. Assist the Office of State Planning and Budgeting in providing direction to the work of the primary contractor hired pursuant to the United States Department of Commerce grant to conduct the study of existing public telecommunications facilities within the state and the needs assessment within representative communities which must be conducted to develop such a plan.

3. Review the work of the contractor and make recommendations thereon.

4. Assist and advise the contractor, using the Commission's contacts and expertise.

5. Identify services which existing telecommunications facilities can provide and stimulate public awareness thereof, particularly those services which can provide alternatives to high energy consumption.

6. Make periodic reports to the Executive Director of the Office of State Planning and Budgeting and through him, to the Governor.

7. Make a final report at the end of the Commission's term of service, to include recommendations on the State Plan and on necessary follow-up activities.

THE STRUCTURE of the Commission shall be as follows:

The Commission shall consist of from fifteen to twenty members, appointed by the Governor. The Chairman of the Commission shall be appointed by the Governor. The Commission shall meet at least quarterly, with staff support provided by the contractor through the Office of State Planning and Budgeting. The members of the Commission shall serve without salary, but shall be reimbursed for actual and necessary expenses. The Commission shall report to the Executive Director of the Office of State Planning and Budgeting and through him, to the Governor.

The Governor's Commission on Public Telecommunications shall be terminated not later than December 31, 1981, unless renewed by the Governor by appropriate action prior to that date.

GIVEN under my hand and the Executive Seal of Colorado, this fourteenth day of March, A.D., 1980.

GOVERNOR

Connecticut   Connecticut General Statutes Annotated

CHAPTER 403

AUCTIONEERS

Sec.
21-1. Penalty for selling at auction without license.
21-2. Issue and revocation.
21-3. License for sale of jewelry; fee; hours of sale.
21-4. Penalty for fraudulent statements.
21-5. Blind persons not to pay for license to sell their own work.
21-5a. Auction by noncommercial educational broadcasting facilities exempt.

§ 21-5a. Auction by noncommercial educational broadcasting facilities exempt

The provisions of this chapter shall not apply to auctions conducted by a noncommercial educational broadcasting facility.

(1972, P.A. 16, § 1, eff. March 29, 1972.)

§ 128. Responsibility for property of former Educational Television Board.

The State Board of Education is responsible for all of the property, rights, duties and obligations of the former Educational Television Board. (14 Del. C. 1953, § 132; 57 Del. Laws, c. 205, § 2.)

§ 129. Educational television.

(a) The State Board of Education shall maintain an educational television network designed primarily to serve, in an appropriate manner, the educational program of the public schools and the institutions of public higher education in this State. The State Board of Education may grant permission to use the broadcasting facilities to serve educational programs of Delaware State College, University of Delaware, Delaware Technical and Community College, Adult Vocational Education, and other programs in the public interest. There is established a Higher Education ETV Advisory Committee to the State Board of Education, consisting of the chief officers of each public institution of higher education or their designates. This committee would advise the Board on the allocation of network time and resources to serve the educational purposes of these institutions.

(b) The Board may contract with other state agencies for space, equipment, supplies, and personnel and pay for the same.

(c) The Board may contract with other public or nonpublic agencies, institutions, organizations or groups, to make its facilities available for a fee to be determined by the Board, which shall not be less than the cost of the services and facilities provided. Any funds received in such manner shall be deposited to the General Fund of the State Treasury. (14 Del. C. 1953, § 133; 57 Del. Laws, c. 205, § 2.)

§ 130. Public Educational Broadcasting Authority.

The State Board of Education is responsible for educational television, educational radio, and other public and educational broadcasting within this State. (14 Del. C. 1953, § 134; 57 Del. Laws, c. 205, § 2.)

District of Columbia -- nil

229.805 Educational television

(1) **State policy.**—It is hereby declared to be the public policy of the state to provide through educational television and radio the powers of teaching, raising living and educational standards of the citizens and residents of the state, and protecting and promoting public interest in educational television and radio in accordance with existing state and federal laws.

(2) **Establishment and utilization of network.**—The Department of Education is authorized and empowered to establish a television network connecting such communities or such stations as it may designate. For this purpose it may lease facilities in the name of the state from communications' common carriers and use such transmission channels as may be necessary; provided, however, that should the department decide, upon investigation, that it could more economically construct and maintain such transmission channels, it is authorized and empowered to design, construct, operate and maintain the same, including a television microwave network. Said network shall be utilized primarily for the instruction of students at existing and future public and private educational institutions and of the general public, or so many thereof as may prove practical. The origination and transmission of all programs over such networks shall be as directed under policies approved by the state board. The department may cooperate with and assist all local and state educational agencies in making surveys pertaining to the use and economics of educational television in the fields of primary, elementary, secondary, or college level education and in the field of adult education, and may assist all public agencies in the planning of programs calculated to further the education of the citizens of the state.

(3) **Powers of department of education.**—

(a) The Department of Education is authorized to encourage:

1. The activation of unused reserve educational television channels;

2. The extension of educational television network facilities;

3. The coordination of Florida's educational television with that of other states and with the Federal Government; and

4. The further development of educational television within the state.

(b) The department shall provide through educational television and other electronic media a means of extending educational services to all the state system of public education except the state university system as defined in s. 239.01 and to recommend to the state board rules and regulations necessary to provide such services. The state board shall appoint from a list of two or more names nominated by the commissioner for each position an educational television advisory council consisting of seven members to assist the department in providing such educational television services. Members of the advisory council shall be paid per diem and traveling expenses as provided by law.

(c) The department is authorized to provide equipment, funds, and other services to extend and update both existing and proposed educational television and radio systems of tax supported and non-profit, corporation-owned facilities. Funds appropriated to the department for educational television and funds appropriated to the department for educational radio may be used by the department for either educational television or educational radio, or both.

(4) **Property, real and personal.**—All property, real and personal, owned by the Florida Educational Television Commission forthwith becomes the property of the State Board of Education and shall be retained by it or assigned to appropriate state or county agencies.

(5) **Prohibited use, penalty.**—

(a) None of the facilities, plant, or personnel of any educational television system which is supported in whole or in part by state funds shall be used directly or indirectly for the promotion, advertisement, or advancement of any political candidate for any municipal, county, legislative, congressional, or state office. However, fair, open, and free discussion between political candidates for municipal, county, legislative, congressional, or state office may be permitted in order to help materially reduce the excessive cost of campaigns and to insure that the citizens of Florida shall be fully informed about such issues and candidates in such campaigns. The above provisions shall apply to the advocacy for, or opposition to, any specific program, existing or proposed, of governmental action which shall include, but shall not be limited to, constitutional amendments, tax referendums, and bond issues. The provisions of this paragraph shall be in accordance with reasonable rules and regulations prescribed by the State Board of Education or the Board of Regents, whichever has authority in the premises.

(b) Violation of any prohibition contained in this section shall be a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Duty of department of education.—The Department of Education shall be responsible for identifying the needs of the state system of public education as they relate to the development and production of materials used in instruction. When such identified needs are deemed to be best satisfied by the production of new materials, the department shall be empowered to commission or contract for the production of such materials. The State Board of Education shall adopt and prescribe rules and regulations for the proper enforcement and carrying out of these provisions.

Historical Note

Derivation:

Laws 1972, c. 72-255, § 1.
Laws 1971, c. 71-291, § 1.
Laws 1971, c. 71-136, § 131.
Laws 1970, c. 70-191, § 1.
Laws 1969, c. 69-106, §§ 15, 35.
Fla.St.1967, §§ 229.131, 229.321(29).
Laws 1967, c. 67-569, §§ 1 to 6, 8.

Laws 1967, c. 67-569, § 8 repealed former chapter 246, which related to the Florida educational television commission, consisting of §§ 246.01 to 246.15, derived from Laws 1957, c. 57-312, §§ 1 to 14; Laws 1961, c. 61-28, § 1; Laws 1963, c. 63-400, § 19, and Laws 1965, c. 65-130, § 16.

Under the authority of Laws 1969, c. 69-106, this section was renumbered from § 229.131 and § 229.321(29) was renumbered subsec. (3)(b) to conform to Fla.St.1969.

Laws 1971, c. 71-136, § 131, made the offense defined by subsec. (5)(b) of this section a "misdemeanor of the second degree, punishable as provided in § 775.082 or § 775.083" in lieu of provision for punishment as a misdemeanor.

Laws 1970, c. 70-191, rewrote subsec. (5)(a) which prior thereto as it appears in Fla.St.1969 read:

"(5) Prohibited use, penalty.—

"(a) None of the facilities, plant or personnel of any educational television system which is supported in whole or in part by state funds shall be used directly or indirectly for the promotion, advertisement or advancement of any political candidate for any municipal, county or state office; or for the purpose of advocating or opposing any specific program, existing or proposed, of governmental action which shall include, but shall not be limited to, constitutional amendments, tax referendums, or bond issues; provided, however, that in the general elections of 1968 and 1970, candidates for offices appearing on a statewide ballot may be provided equal time in the general election on an experimental basis and for purposes of evaluating whether such provision of television time free to such candidates can materially reduce the excessive cost of campaigns. Provision of such equal time shall be in accordance with reasonable rules and regulations prescribed by the state board of education or the board of regents of the division of universities of the department of education, whichever has authority in the premises."

Laws 1971, c. 71-291, inserted "and radio" twice in subsec. (1).

Laws 1972, c. 72-255, added subsec. (3)(c).

Legislative Service Bureau—1970:

An attempt to reduce the high cost of political campaigns and to produce a better informed electorate is contained in House Bill No. 3851 (Chapter 70-191). Under the old law, educational TV stations were allowed to sponsor political debates between candidates for statewide office on an experimental basis, only during the 1968 and 1970 general elections. The new law allows fair, open and free discussion between candidates for any political office and between the proponents and opponents of specific governmental actions such as constitutional amendments, tax referenda and bond issues. The authority is granted without any time limitations.

Library References

Telecommunications ⟹16.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 96 to 103.

Notes of Decisions

In general 1
Capital outlay funds 3
Educational television commission 2
Nonprofit corporations 4

1. In general

The use of the Florida educational network for television programs such as (1) governor's weekly news conference, (2) informational reports relating to activities of the government, (3) discussion of issues of great public interest in which both sides are presented on an equal basis and, (4) discussions of legislative or governmental agency functions by educators from recognized state universities, would be permissible so long as the laws of Florida or regulations of the federal communications commission are obeyed and such programs are not used for promoting political candidates or for propagandizing either for or against governmental issues. Op.Atty.Gen., 061-34, Feb. 22, 1961.

The legislature intended educational television to be used primarily for formal educational purposes but it did not intend it to be limited to this sole purpose. The use of educational television for edification of the public generally and/or specific, sizeable segments of the population would be a legitimate purpose. Id.

2. Educational television commission

Commission on developing educational television should proceed with caution and contents of programs should be coordinated and approved by the state board of education, its parent state body, and educational subordinate groups most apt to be affected by commission's decisions. Op.Atty.Gen., 066-21, March 14, 1966.

Unless specifically authorized, special benefit assessments cannot be imposed against state property, therefore, the board of county commissioners of Broward county could not impose a special benefit assessment provided for and authorized by Laws 1953, c. 28948, as amended by Laws 1959, c. 59-1142, against the property of the Florida educational television commission, such commission being operated under the control and supervision of the state board of education, which is a state agency. Op. Atty.Gen., 061-70, May 5, 1961.

3. Capital outlay funds

The capital outlay fund provided for in Const.1885, Art. 12, § 19, as continued pursuant to Const. Art. 12, § 9(a) of the present state constitution, may be expended only upon capital outlay projects of institutions of higher learning, junior colleges and vocational technical schools as provided for in chapter 230. Since both the Florida school for the deaf and blind and the state system of public broadcasting, including educational television, fall outside the definitional context of these three categories of educational institutions, they would not be eligible to receive capital outlay funds pursuant to the state constitution. Op.Atty.Gen., 075-150, May 29, 1975.

4. Nonprofit corporations

Funds appropriated to the department of education may be expended to provide financial assistance to private nonprofit corporations operating educational television station within the purview of this section. Op. Atty.Gen., 071-241, Aug. 17, 1971.

229.8051 Public broadcasting program system

(1) There is hereby created a public broadcasting program system for the state. This program system shall be administered by the Department of Education pursuant to policies adopted by the State Board of Education and complement and share resources with the instructional programming service of the department of education and educational UHF, VHF, ITFS and FM stations in the state. This program system shall include, but shall not be limited to:

(a) Complete broadcast service to all areas of the state by educational broadcasting stations.

(b) Maintenance of quality broadcast capability for educational stations which are part of the program system.

(c) Interconnection of all educational stations which are part of the program system for simultaneous broadcast, and of such stations with all universities and other institutions as necessary for sharing of resources and delivery of programming.

(d) Establishment and maintenance of a capability for statewide program distribution with facilities and staff, provided such facilities and staff complement and strengthen existing educational television and radio stations and except that no systems or services will be created that unduly duplicate those provided by existing educational stations.

(e) Provision of both statewide programming funds and station programming support for educational television and educational radio to meet statewide priorities. For purposes of this subsection, the Department of Education shall consider, but is not bound by, recommendations by the educational television advisory council established by s. 229.805(3)(b). However:

1. The advisory council shall allow for full participation of all duly authorized representatives of educational UHF and VHF licensees at all of its meetings, and shall report with its recommendations on priorities to the State Department of Education the concurring or dissenting view of two-thirds of the duly authorized representatives of educational UHF and VHF licensees.

2. The advisory council shall allow for full participation of all duly authorized representatives of educational FM licensees at all of its meetings, and shall report with its recommendations on

priorities to the State Department of Education the concurring ~~or dissenting view of~~ two-thirds of the duly authorized representatives of educational FM licensees.

Priorities for station programming need not be the same as priorities for programming to be used statewide. Station programming may include, but shall not be limited to, citizens' participation programs, music and fine arts programs, coverage of public hearings and governmental meetings, equal air time for political candidates, and other public interest programming.

(2) The Department of Education is assigned responsibility for implementing the provisions of this section pursuant to part III, chapter 287, and is authorized to employ personnel, acquire equipment and facilities, and perform all duties necessary for carrying out the purposes and objectives of this section.

Historical Note

Derivation:

Laws 1973, c. 73-338, §§ 10, 11.
Laws 1973, c. 73-293, §§ 1, 2.

Library References

Telecommunications 🔑16.

C.J.S. Telegraphs, Telephones, Radio and Television §§ 96 to 103.

West's Florida Statutes Annotated, Cumulative Annual Pocket Part 1979

229.805 Educational television

Repeal

Laws 1978, c. 78-323, § 4, the "Sundown Act", providing for the repeal of boards, committees, and councils which have held official meetings since January 1, 1975, provides for the repeal of subsec. (3)(b) of this section, relating to the educational television advisory council and to powers of the department of education, on October 1, 1981. For a complete listing of all entities affected by Laws 1978, c. 78-323, see § 11.611 and notes thereunder.

ments.
s. 196.31 Taxes against state properties.

235.40 Radio and television facilities.—

(1) The school boards or boards of trustees may acquire, by purchase, permanent easement, or gift, suitable lands and other facilities, either within or without the boundaries of the district, for use in providing educational radio or television transmitting sites and may erect such buildings, antennas, transmission equipment, towers, or other structures as are necessary to accomplish the purposes of this section.

(2) Fixed capital outlay budget requests for public broadcasting stations and instructional television and radio facilities shall be submitted to the Department of Administration and the Commissioner of Education in the form prescribed by s. 216.043 and shall be submitted as specified in s. 216.023. The commissioner may include any recommendations for these purposes in the legislative budget request for fixed capital outlay.

History.—s. 3, ch. 63-221; s. 1, ch. 69-300; s. 20, ch. 77-458; s. 3, ch. 78-428.

235.41 Legislative budget request; educational facilities assessment.—

(1) The State Board of Education, through the office, shall develop a uniform, comparable system for determining total fixed capital outlay needs, inventorying existing facilities, and conducting utilization studies, and for any other procedure deemed appropriate in arriving at the amounts required to fund net unmet needs as reflected in the integrated comprehensive budget request required by this section.

(2) The commissioner, through the office, shall submit to the Legislature an integrated, comprehensive budget request for educational facilities construction and fixed capital outlay needs for the public schools, the community colleges, the institutions in the State University System, the Florida School for the Deaf and the Blind, and the state system of public education. The request shall include information necessary to develop the budget request by the commissioner required in subsection (3).

(3) The commissioner, through the office, shall submit an integrated, comprehensive budget request to the Department of Administration and to the Legislature no later than 90 days prior to the legislative session each fiscal year. Notwithstanding the provisions of s. 216.043, the integrated, comprehensive budget request shall include:

(a) Actual capital outlay fund balances brought forward from the preceding fiscal year, listed separately as encumbered and unencumbered.

(b) Estimated encumbrances to be made in the current fiscal year from actual capital outlay fund balances brought forward from the preceding fiscal year as unencumbered.

(c) Estimated capital outlay appropriations to be made from the current fiscal year revenues, listed separately to indicate those appropriations that will be encumbered throughout the fiscal year and those that will remain unencumbered at the end of the fiscal year.

(d) Estimated capital outlay funds to be disbursed in the current fiscal year from:

1. Fund balances brought forward from the preceding fiscal year.

2. Appropriations to be made from the current fiscal year revenues.

(e) Estimated undisbursed capital outlay funds remaining at the end of the current fiscal year from:

1. Fund balances brought forward from the preceding fiscal year, listed separately as encumbered and unencumbered.

2. Appropriations to be made from the current fiscal year revenues, listed separately as encumbered and unencumbered.

(f) A 5-year assessment of fixed capital outlay needs for education.

(g) A list of fixed capital outlay needs, and a request for fixed capital outlay funds, for the ensuing fiscal year for the state system of public education, reflecting the actual ability of the various boards to encumber and disburse the funds requested.

(h) Recommendations for the priority of expenditure of funds in the state system of public education, with reasons for the recommended priorities.

(i) Other recommendations which relate to the effectiveness of the educational facilities construction program.

(4) The office shall recommend, and the state board shall adopt, rules to implement the provisions of this section.

History.—s. 12, ch. 74-374; s. 6, ch. 75-292; s. 2, ch. 76-2[illegible]; s. 21, ch. [illegible]458.

235.42 Educational plants construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.—

(1) It is the intent of the Legislature that effective July 1, 1977, and each fiscal year thereafter, the plan for capital projects for the state system of public education shall be for the ensuing 5 years and shall be referred to as the 5-year capital projects program. To implement this 5-year program, there is created a continuing annual appropriation to the Public Education Capital Outlay and Debt Service Trust Fund of all receipts and revenues from the Gross Receipts Tax as authorized in s. 9(a)(2), Art. XII of the State Constitution, and the proceeds from all bonds issued pursuant to that authority, as authorized by the Legislature.

(2) The Commissioner of Education shall, in administering the 5-year capital projects program, determine the annual and aggregate resources of the Public Education Capital Outlay and Debt Service Trust Fund and shall recommend to the state board approval of the 5-year capital projects program. The state board shall annually authorize the capital projects plan for each participating board; however, total approved encumbrances and disbursements of the 5-year capital projects program in each fiscal year shall not exceed an amount that would prevent the state board from meeting the encumbrances and disbursement requirements for that year for approved capital projects. In addition, the commissioner shall have, and shall exercise, the authority to inform each participating board of the time certain when approved capital projects may be, in whole or in part, subjected to contractual obligations, and until such notification is received from the commissioner the participating board shall not incur obligations

32-408.1 Educational television

The State Board of Education is authorized and impowered to make available educational programs through the medium of educational television. The State Board of Education is authorized and impowered to own, operate, maintain and manage television stations, transmission equipment and all other related equipment and facilities, both audio and video, for the production and transmission of open and closed circuit telecasting; to furnish schedules, consultative services, teacher aids, and to perform all other things necessary in promulgating, furnishing, producing, transmitting, and making such programs available; and is authorized to enter into agreements with other agencies, persons, firms or corporations for the production and/or transmission of educational television programs.

(Acts 1963, pp. 431, 432.)

Cross Reference

Board as agency to receive funds for educational television, see § 32-413.1.

ANNOTATIONS

Funds

State Board of Education can accept donations given for purpose of promoting educational television and apply those funds directly to that purpose without depositing funds in State Treasury. However, State Board of Education cannot solicit such donations, except to extent that solicitation of funds is expressly authorized by statute, or is reasonably necessary to carry out authority to accept such funds. Op. Atty. Gen. 79-4.

32-409 Estimate of funds needed

(Based upon Acts 1937, pp. 864, 866. Repealed by Acts 1961, pp. 39, 40.)

Editorial Note

Acts 1961, pp. 39, 40, rewrote § 32-408. The subject-matter of this section and §§ 32-410 and 32-411 has now been incorporated into new section 32-408.

32-410 Control of employees

(Based upon Acts 1937, pp. 864, 866. Repealed by Acts 1961, pp. 39, 40.)

Editorial Note

See Editorial Note following § 32-409.

32-411 Set aside funds for maintenance of department

(Based upon Acts 1937, pp. 864, 866. Repealed by Acts 1961, pp. 39, 40.)

Editorial Note

See Editorial Note following § 32-409.

32-411.1 Elementary and high school grades

For the purpose of operation of the common schools of this State, and the participation therein by the State, the elementary grades of the common schools shall embrace grades one through seven, inclusive, and no other; and the high school grades shall embrace eight through 12, inclusive, and no other.

(Acts 1947, pp. 668, 669.)

Cross Reference

See § 32-714.

32-412 Powers of old board

Except as provided by this Chapter, the State Board of Education shall also have all the powers conferred by law upon the State any program of vocational education now or hereafter established as essential to National defense either for industrial or agricultural occupations, and whether as part of a Federal or a State program or a combination of both, in furtherance of vocational educational objectives generally; and said board is authorized and impowered to acquire and hold title for and on behalf of the State of Georgia, for the benefit of the common school system thereof, any equipment and/or supplies, both permanent and expendable, that may be necessary for such purposes, and to act as the contracting agent therefor and the custodian thereof, and to delegate, in whole or in part, any function or activity enumerated or contemplated hereunder, and to contract with and cooperate with any department, agency or instrumentality either of the State of Georgia or of the United States, in any manner which shall be requisite or incident hereto, which in the judgment of said board may be deemed proper for the carrying into effect of the purposes of this Chapter, and to use so much of the common school fund or other funds appropriated by the General Assembly as may be necessary to match any such Federal aid, or to meet the terms of any past, present or future grant to the State or any local school unit whereby the same respectively may be enabled to derive full advantage of the benefits thereof to the State of Georgia as contemplated under the terms and provisions of any such grant for educational purposes; no funds shall be used to meet any past or future grant to the State but shall be available only for any present grant new available.

Anything contained in Acts 1937, page 882 et seq. to the contrary notwithstanding, nothing herein shall be construed to alter, diminish, affect or impair the authority vested in said State Board of Education under the provisions of Section 14 of said Act, with respect to apportioning funds to various local school units as additional aid for use in maintaining vocational classes or departments; but the authority herein conferred shall supplement the grant of authority heretofore conferred, and to the extent herein enacted.

(Acts 1937, pp. 864, 867; 1941, p. 568.)

Editorial Note

Acts 1937, p. 882 et seq., was repealed and superseded by the Minimum Foundation Program (former Chapter 32-6), which was in turn repealed by the Adequate Program for Education in Georgia (Chapter 32-6A). See Editorial Note at beginning of Chapter 32-6. For present law as to apportionment of Federal funds, see § 32-640a.

ANNOTATIONS

Salary supplements

While area vocational-technical school employee's receipt of salary supplements from private source would not be unlawful per se, situation is one which could easily lead to violations of statutory and case law relating to conflicts of interest. Op. Atty. Gen. 77-70.

Board of Education created by section 32-401 of the Code, and abolished by section 10 of Acts 1937, p. 864, and shall perform all the duties now required by law of said State Board of Education as now constituted.

(Acts 1937, pp. 864, 867.)

Cross References

Duties of State Superintendent, see §§ 32-501, 32-505. State Board of Education to prescribe textbooks for public schools, see § 32-707. Appeal by county superintendent of schools and county board of education to State Board, see § 32-912. Bond of county superintendent, see § 32-1005. Duties, etc., of State Board of Education as to vocational education, see Chapters 32-22 through 32-23B.

ANNOTATIONS

Appeal

Under Article VI, Section I, Paragraph I, of State Constitution of 1877 (§ 2-2901), General Assembly was impowered to create court or courts with jurisdiction of all controversies arising in administration of common school system, as created by passage of code of school laws, and to give to any party right to appeal successively from decision of county board of education to State Superintendent of Schools, and from judgment of such Superintendent to State Board of Education whose judgment should be final. 173/203 (159 S. E. 712).

Judicial notice

Court will take judicial cognizance of rules. 22 App. 72, 77 (95 S. E. 753).

Limitations

Finding of State Board of Education upon matter in controversy, being conclusion of tribunal in nature of court, and being judgment of court of competent jurisdiction, is not barred by statute of limitations until seven years have elapsed from date of rendition of such judgment. 173/203 (159 S. E. 712).

Site

Questions with reference to fitness and suitability of selected site for school are wholly within discretion of county school board and within jurisdiction of county school board and State Board of Education sitting as tribunal to hear and decide matters arising under school law, and in absence of showing violation of law, court of equity is not authorized to interfere, and decision of State Board of Education is final. 214/144, 148 (103 S. E. 2d 567).

32-413 Acceptance of funds appropriated by Congress; meeting terms of grants; title to property

Said board is hereby authorized and impowered to receive, accept, hold and operate, on behalf of the State of Georgia, donations, grants, gifts, devises and bequests of real, personal and mixed property of every kind and character, to lease, manage and otherwise administer the same for the use, benefit and behoof of the common school system of Georgia, and to accept on behalf of the State of Georgia any funds which may be now or hereafter provided for, or be or hereafter become available or allotted to the State of Georgia by virtue of any appropriation by Congress or under any governmental regulation, order or declaration of policy for either vocational or other educational purposes conducted either in or out of school, in connection with, or as an incident of,

32-413.1 Agency to receive Federal funds or other funds for educational television purposes

The State Board of Education is authorized and impowered and is hereby designated the proper State agency to receive all Federal funds, and any other funds, that may be appropriated, granted or otherwise made available to the State for educational television purposes at all levels of education and shall, after receipt of same, use, allot or distribute the same in accordance with the intent, terms, and conditions of such appropriations and grants.

(Acts 1963, pp. 431, 432.)

Cross Reference

Educational television authorized, see § 32-408.1.

32-414 Appeals to State Board

(Based Upon Acts 1937, pp. 864, 867. Repealed by Acts 1961, pp. 39, 40.)

Editorial Note

The matter of appeal from a local board is presently covered by § 32-910.

Notes of Decisions Under Former Law

Appeal

Under Art. VI, Sec. I, Par. I of Const. 1877 (§ 2-2901) General Assembly was impowered to create court or courts with jurisdiction of all controversies arising in administration of common school system, as created by passage of code of school laws, and to give to any party right to appeal successively from decision of county board of education to State Superintendent of Schools and from judgment of such Superintendent to State Board of Education whose judgment should be final. 173/203 (159 S. E. 712).

Right of appeal from county board of education exists only when board has heard and decided matter of local controversy over construction or administration of school law, and is confined to parties to such controversy; but it does not apply to direct proceeding brought against board to compel discharge of official duty. 174/761 (163 S. E. 887).

Certiorari

Certiorari will not lie to superior court to review administrative review by State Board of Education of administrative act of county board of education where said board, in exercise of its discretionary power fixed by § 32-912, caused school plant survey to be made, and thereafter adopted same by resolution. 88 App. 848 (78 S. E. 2d 348).

Courts

Courts of State are not deprived of power to inquire into right to hold public office as member of board of education by this former section. 207/30, 33 (60 S. E. 2d 122).

ANNOTATIONS

Funds

State Board of Education can accept donations given for purpose of promoting educational television and apply those funds directly to that purpose without depositing funds in State Treasury. However, State Board of Education cannot solicit such donations, except to extent that solicitation of funds is expressly authorized by statute, or is reasonably necessary to carry out authority to accept such funds. Op. Atty. Gen. 79-4.

SENATE BILL 290

By: Senator Robinson of the 27th

AS PASSED

AN ACT

To create the Public Telecommunications Task Force; to provide for the responsibilities of the task force, its composition, and staffing; to provide for the termination of the task force; to provide an effective date; to repeal conflicting laws; and for other purposes.

WHEREAS, public and educational television and public radio constitutes an increasingly important and significant source of social, cultural, and political information to the people of Georgia; and

WHEREAS, public and educational television and public radio has the potential to enrich significantly the educational experiences of all the citizens of the state, children and adults alike; and

WHEREAS, public and educational television and public radio is an increasingly complex technological enterprise and will become more so in the future; and

WHEREAS, the cost of providing public and educational television and public radio has experienced a dramatic increase in the past decade and all projections for the future indicate that the costs associated with quality programming will continue to rise in the near future.

NOW, THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. There is hereby created the Public Telecommunications Task Force to be composed of the following members:

Three members of the Board of Regents to be appointed by the chairman of the Board of Regents,

Three members of the State Board of Education to be appointed by the chairman of the State Board of Education,

Three members of the House of Representatives to be appointed by the Speaker of the House of Representatives,

Three members of the Senate to be appointed by the President of the Senate, and

Three members to be appointed by the Governor.

The Governor shall designate from the entire membership that individual who shall serve as chairman of the task force.

Section 2. Members of the General Assembly who serve on the task force shall receive the compensation and allowances authorized by law to be received by members of interim legislative study committees. The remaining members of the task force shall be reimbursed for their actual expenses incurred while engaged in the performance of their duties and responsibilities as members of the task force. The members of the task force who are members of the Board of Regents or the State Board of Education shall be reimbursed from those funds appropriated to or otherwise available to each respective and appropriate board. The remaining members of the task force shall be reimbursed from those funds appropriated to or otherwise available to the executive department.

Section 3. The task force shall make a thorough and exhaustive inquiry into the organizational, operational, and management structure alternatives which are deemed and recommended as most efficient and best equipped to allow the public and educational television and public radio responsibilities of the state to be exercised. The task force shall consult and advise with the Board of Regents and the State Board of Education in order to evaluate and address properly any particular areas of concern which each board has perceived and developed during the course of the tenure and experience which each respective board has exercised over their particular and unique areas of broadcast interest.

Section 4. The Office of Legislative Counsel, the Office of Planning and Budget, the State Department of Education, and the Board of Regents shall make available and provide to the task force such staff assistance, technical expertise, and counseling as shall be appropriate and desired by the task force and as shall be available and commensurate with and compatible with such agencies' ongoing responsibilities and commitments.

Section 5. The task force shall make a report of its findings and recommendations to the 1981 session of the Georgia General Assembly, at which time it shall stand abolished.

Section 6. This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

Section 7. All laws and parts of laws in conflict with this Act are hereby repealed.

[CHAPTER 314]
HAWAII PUBLIC BROADCASTING AUTHORITY

SECTION

[314-1] Authority established; purpose
[314-2] Board; composition; appointment; removal
[314-3] Term; vacancy
[314-4] Compensation, expenses
[314-5] Chairman
[314-6] Meetings, notice, records and minutes
[314-7] Quorum; voting power; majority; deadlock
[314-8] Powers
[314-9] Duties
314-10 Executive director and staff
314-11 Transfer provisions
[314-12] Annual report
[314-13] Revolving fund
[314-14] Transfer of personnel
[314-15] Personnel categories
[314-16] Employment status
[314-17] Compensation

[§314-1] Authority established; purpose. There is hereby established the "Hawaii public broadcasting authority". The authority shall be under the control of the board described in section 314-2 and be placed within the department of regulatory agencies for administrative purposes.

The purpose of the authority is to establish, manage, control and operate public broadcasting facilities, to produce or otherwise obtain for broadcast, programs intended to enlighten the people of the State, and to air such programs to the citizens of Hawaii. [L 1972, c 199, pt of §2]

[§314-2] Board; composition; appointment; removal. There is hereby established the board of public broadcasting of eleven members.

All members shall be appointed by the governor as provided in section 26-34. The composition of the board shall reflect the distribution of the state population, with consideration for the varied community needs and interests in public broadcasting; provided, that there shall be at least one member from each of the counties of the State. One member of the board may be a representative of the commercial broadcasting industry. In addition to the appointed members the superintendent of education and the president of the University of Hawaii shall serve as ex officio, nonvoting members of the board.

Any member of the board who is absent without cause for two consecutive meetings shall be removed by the governor. [L 1972, c 199, pt of §2]

Note. The members of the state educational television council shall continue to perform public broadcasting functions as provided by prior law until the governor has appointed a majority of the members of the board of public broadcasting. L 1972, c 199, §3.

[§314-3] Term; vacancy. Members of the board shall serve for terms of six years and until their successors have been appointed and qualified. Of the members originally appointed, four shall be appointed for a term of two years, four for four years, and three for six years.

A member shall not serve for more than two consecutive terms. [L 1972, c 199, pt of §2]

[§314-4] **Compensation; expenses.** All members shall serve without compensation but shall be reimbursed for travel and other expenses incurred in the performance of their duties. [L 1972, c 199, pt of §2]

[§314-5] **Chairman.** The board shall select a chairman from its appointed members annually, who shall serve no more than two consecutive years as chairman. [L 1972, c 199, pt of §2]

[§314-6] **Meetings; notice, records and minutes.** There shall be at least one meeting of the board every three months. The chairman may call a meeting of the board at any time by giving at least seven days' written notice of the time and place of the meeting to all other members.

Any six appointed members may call a meeting of the board by giving at least ten days' written notice of the time and place of the meeting to all other members.

A meeting of the board may be called at any time without notice if all appointed members agree.

The board shall keep records and minutes of all meetings of the board. [L 1972, c 199, pt of §2]

[§314-7] **Quorum; voting power; majority; deadlock.** Six members shall constitute a quorum to transact business.

Each appointed member present at a meeting shall have one vote.

Any action taken shall be by a simple majority of the appointed members present at a meeting. If the vote on any matter is deadlocked, every appointed member present shall cast a vote. [L 1972, c 199, pt of §2]

[§314-8] **Powers.** Except as otherwise provided in this chapter, the board may do all acts necessary to carry out the purposes of the authority, including but not limited to:

(1) Establishing public broadcasting facilities and governing, controlling and operating each facility.

(2) Establishing policies for the use of and charges for production services and broadcast facilities, including the use of and charges for air time.

(3) Establishing policies for the allocation of air time, including the basic allocation of air time between instructional television and public television.

(4) Applying for, receiving, and holding such authorizations and licenses and assignments and reassignments of channels from the federal communications commission as may be necessary to conduct its operations.

(5) Establishing and abolishing advisory committees as it deems necessary for technical and program assistance.

(6) Contracting with program production organizations, individuals, and noncommercial educational television stations within and without the State to produce, or otherwise to procure, programs for use by noncommercial stations within the State.

(7) Making arrangements, where appropriate, with companies or other agencies and institutions operating suitable interconnection facilities.

(8) Soliciting and receiving funds from private sources. [L 1972, c 199, pt of §2]

[§314-9] **Duties.** The board shall do all acts necessary to achieve the purpose of this chapter, including but not limited to:

(1) Hiring an executive director to function as general manager of

all public broadcasting facilities.

(2) Reviewing and approving all budgets, including operating and capital improvement programs.

(3) Formulating specific objectives, format and emphasis and program standards for public broadcast programming.

(4) Determining the character, diversity, quality, and excellence of programming which is released via its licensed facilities.

(5) Developing, directing, and supervising public television programming.

(6) Coordinating, when appropriate, the compatibility of equipment and systems acquired and used by other agencies, including but not limited to, the department of education and the university of Hawaii. [L 1972, c 199, pt of §2]

§314-10 Executive director and staff. The board shall appoint an executive director subject to the approval of the governor who shall not be subject to chapters 76, 77 and 89. The board shall determine the salary of the executive director which, effective July 1, 1975, shall not be more than $29,900 a year and effective January 1, 1976, shall not be more than $32,500 a year. [L 1972, c 199, pt of §2; am L 1973, c 70, §2; am L 1975, c 58, §17]

§314-11 Transfer provisions. Upon the appointment of not less than six members of the board of public broadcasting by the governor as provided in section 314-2, the board shall assume all responsibilities and functions heretofore performed by the state educational television council and the University of Hawaii board of regents with respect to educational television.

The board, in cooperation with the agencies affected by this chapter, shall submit to the seventh state legislature, twenty days before the regular session of 1973 convenes, (1) such proposals as it may deem necessary or desirable to effect the transfer of real property, personal property and personnel to carry out the purposes of this chapter, (2) a budget for the next fiscal biennium and program and financial plans as prescribed by chapter 37, and (3) such other related matters as it may determine should properly be considered by the legislature at said regular session.

Pending the approval by the legislature of the transfer of real property, personal property and personnel to carry out the purposes of this chapter, all employees of the University of Hawaii division of educational television shall be temporarily assigned to the authority, and the University of Hawaii shall continue to be responsible for expenditures for personnel, property, facilities, equipment, and all other costs relating to the management, operation, and maintenance of the educational television network as authorized by appropriations of the legislature. [L 1972, c 199, pt of §2; am L 1973, c 70, §3]

[§314-12] Annual report. The board shall submit an annual report, including a full disclosure of the objectives, accomplishments, policies, financial condition, and recommendations of the authority, to the governor and the legislature by December 31 for the preceding fiscal year. [L 1972, c 199, pt of §2]

[§314-13] **Revolving fund.** There is established in the state treasury a fund to be known as the public broadcasting revolving fund which shall be utilized for the purpose of receiving and expending funds derived from private sources for services and airtime, and state funds specifically appropriated for deposit into the public broadcasting revolving fund. [L 1972, c 199, pt of §2]

[§314-14] **Transfer of personnel.** All officers and employees of the University of Hawaii, division of educational television, are hereby transferred with their respective functions and duties to the Hawaii public broadcasting authority and shall (except for clerical employees employed under the provisions of chapters 76 and 77) upon their transfer continue to perform their regular duties.

No officer or employee employed prior to [July 1, 1973] and still so employed upon transfer of functions by this chapter, shall suffer any loss of salary, vacation, or sick leave or other employee benefits as a consequence of this action, provided that subsequent changes in status may be made pursuant to applicable personnel laws. [L 1973, c 70, pt of §4]

[§314-15] **Personnel categories.** Personnel transferred to, assigned to, or hired by the Hawaii public broadcasting authority shall be placed in one of the following categories subject to review and approval by the director of personnel services:

(1) Category (a) - Clerical, non-professional, and non-technical;
(2) Category (b) - Professional and technical; and
(3) Category (c) - Student help. [L 1973, c 70, pt of §4]

[§314-16] **Employment status.** All employees of the Hawaii public broadcasting authority shall be employed in their respective categories as follows:

(1) Category (a) - clerical, nonprofessional, and nontechnical. All employees in this category shall be subject to chapters 76 and 77, provided that nonprofessional and nontechnical employees, except those in category (c) who were employed prior to [July 1, 1973] shall receive appropriate civil service status without necessity of examination.

(2) Category (b) - professional and technical. All employees in this category shall be exempt from chapters 76 and 77, provided that such exempt employment shall be subject to review by the director of personnel services to determine the propriety of continued exemption, such a review to be accomplished by December 31, 1973. Should this review indicate that continuance of exempt status is warranted, such employment shall be subject to subsequent reviews on a periodic basis. Whenever employees are to be hired in this category, they shall be subject to review and approval of the director of personnel services in accordance with procedures concerning exempt hiring.

If the director determines that exempt status is not appropriate, such employees shall be subject to chapters 76 and 77, provided that such employees who were employed prior to

[July 1, 1973] and still so employed shall receive appropriate civil service status without necessity of examination.

All full time employees in this exempt category shall be hired on annual contract and shall be eligible for the State employees' retirement system and for other benefits generally applicable to officers and employees of the State. Contracts with such employees shall contain a clause providing for notification to the employee of renewal or nonrenewal ninety days prior to the expiration of the contract. Nonrenewals of such contracts shall be subject to review by the board of public broadcasting.

(3) Category (c) - student help. All employees in this category shall be exempt from chapters 76 and 77, provided that employment in this category shall be subject to review and approval by the director of personnel service. [L 1973, c 70, pt of §4]

[§314-17] Compensation. Employees of the Hawaii public broadcasting authority shall be compensated in their respective categories as follows:

(1) Category (a) - clerical, nonprofessional and nontechnical. All employees in this category shall be compensated in accordance with chapter 77.

(2) Category (b) - professional and technical. All employees in this category shall be compensated in accordance with the University of Hawaii APT salary schedule until such time that an appropriate means of compensation is approved by the legislature. A proposal for an appropriate compensation plan shall be developed by the director of personnel services and submitted to the 1974 session of the legislature for approval.

(3) Category (c) - student help. All employees in this category shall be compensated in accordance with student help wage rates. [L 1973, c 70, pt of §4]

Idaho -- nil

Illinois Smith-Hurd Illinois Annotated Statutes, Cumulative Annual Pocket Part for 1979

§ 10-22. Powers of board

The School Board shall have the powers enumerated in Sections 10—22.1 through 10—22.45.

Amended by 1963, July 25, Laws 1963, p. 2048, § 1; 1963, Aug. 5, Laws 1963, p. 2043, § 1; 1965, May 14, Laws 1965, p. 541, § 1; 1965, Aug. 10, Laws 1965, p. 2922, § 1; 1967, Sept. 7, Laws 1967, p. 4057, § 1; P.A. 76-1107, § 1, eff. Aug. 28, 1969; P.A. 76-1662, § 1, eff. Oct. 3, 1969; P.A. 76-2268, § 1, eff. July 1, 1970.

* * * * * * *

§ 10-22.30 Television and radio programs

To enter into contracts, either alone or in cooperation with other school boards, for the purpose of participating in or the procuring of television or radio broadcasts or both, for use in the educational program of the schools; to provide television or radio studio facilities or both; to grant the use of such studio facilities to a licensed television or radio station located in the school district; to maintain and operate such school television or radio transmitting devices, or both, as are necessary to distribute adequate instructional television or radio programming with closed-circuit, fixed-circuit or standard broadcasting equipment; and to provide programs for educational purposes. As amended 1965, May 17, Laws 1965, p. 573, § 1.

122 § 1057 SCHOOLS

§ 1059. Stimulation and encouragement of educational programs—Innovative educational programs

The Board shall stimulate and encourage the establishment or expansion of exemplary and innovative elementary and secondary school educational programs through the providing of grants therefor. The Board shall place particular emphasis upon those programs which address themselves to those educational problems in this State that arise out of the economically depressed and culturally disadvantaged areas where adequate educational opportunity is not available.

For purposes of this Act an innovative educational program is intended to include, but be not limited to, the following areas:

* * * * * * *

(e) developing, producing, and transmitting radio and television programs for classroom and other educational use;

§ 176d2. Authority and Duties of the State Agency for Federal Surplus Property

(a) The State Agency for Federal Surplus Property is hereby authorized and empowered (1) to acquire from the United States of America under and in conformance with the provisions of paragraph (j) of Section 203 of the Federal Property and Administrative Services Act of 1949, as amended,[1] hereinafter referred to as the "Federal Act", such property, including equipment, materials, books, or other supplies under the control of any department or agency of the United States of America as may be usable and necessary for distribution to any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety; or to nonprofit educational or public health institutions or organizations, such as medical institutions, hospitals, clinics, health centers, schools, colleges, universities, schools for the physically handicapped, child care centers, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, museums attended by the public, and libraries serving free all residents of a community, district, State, or region, which are exempt from taxation under Section 501 of the Internal Revenue Code of 1954,[2] for purposes of education or public health, including research for any such purpose; and for such other purposes as may now or hereafter be authorized by Federal law; (2) to warehouse such property; or if so requested by the recipient, to arrange shipment of that property, when acquired, directly to the recipient.

(b) The State Agency for Federal Surplus Property is hereby authorized to receive applications from eligible health and educational institutions for the acquisition of Federal surplus real property, investigate the same, obtain expression of views respecting such applications from the appropriate health or educational authorities of the State, make recommendations regarding the need of such applicant for the property, the merits of its proposed program of utilization, the suitability of the property for such purposes, and otherwise assist in the processing of such applications for acquisition of real and related personal property of the United States under paragraph (k) of Section 203 of the Federal Act.

(2) Study, review, and evaluate all available resources and programs that, in whole or in part, are or could be directed towards meeting the language capability needs of children and adults of limited English-speaking ability residing in the State.

(3) Gather information about the theory and practice of bilingual education in this State and elsewhere, and encourage experimentation and innovation in the field of bilingual education.

(4) Provide for the maximum practical involvement of parents of bilingual children, transitional bilingual education teachers, representatives of community groups, educators, and laymen knowledgeable in the field of bilingual education in the formulation of policy and procedures relating to the administration of Article 14C of this Code.

(5) Consult with other public departments and agencies, including but not limited to the Department of Community Affairs, the Department of Public Welfare, the Division of Employment Security, the Commission Against Discrimination, and the United States Department of Health, Education, and Welfare in connection with the administration of Article 14C of this Code.

(6) Make recommendations in the areas of preservice and in-service training for transitional bilingual education teachers, curriculum development, testing and testing mechanisms, and the development of materials for transitional bilingual education programs.

(7) Undertake any further activities which may assist in the full implementation of Article 14C of this Code and to make an annual report to the General Assembly to include an evaluation of the program, the need for continuing such a program, and recommendations for improvement.

1961, March 18, Laws 1961, p. 31, § 2-3.39, added by P.A. 78-727, § 1, eff. Oct. 1, 1973.

§ 2-3.40 Department for instructional television and radio materials development

The State Board of Education shall have the power and is hereby authorized to establish, maintain and operate a Department for Instructional Television and Radio Materials Development and Production for dissemination to local school districts and other educational institutions. The Department shall include the procedures necessary to evaluate such program development and production. It may include pilot programs for utilization of instructional television and radio materials.

To facilitate the purposes of this Section the State Board of Education is empowered:

(1) To engage in multi-state cooperative planning and development of instructional television and radio materials.

(2) To lease, rent or purchase necessary tape recorders and film processing equipment to use in the duplication of materials in a useful form for pilot projects for their utilization and the testing of equipment leading to standardization of such equipment in the public elementary and secondary schools.

(3) To prescribe rules and regulations for the use of materials supplied by the State Board of Education for pilot projects for utilization of such materials.

(4) To enter into contracts and agreements for the production and/or acquisition of instructional programs or materials for elementary and secondary schools.

(5) To enter into contracts or agreements with any agency or department of the State of Illinois or the United States Government from which funds may be received to carry out the provisions of this Section.

(6) To obtain grants from and to make contracts with individuals and with private, state, and federal agencies, organizations, and institutions for carrying out the purposes of this Section.

1961, March 18, Laws 1961, p. 31, § 2-3.40, added by P.A. 79-288, § 2, eff. Aug. 4, 1975.

(g) Complications; and

(h) The results of a pregnancy test performed on the woman prior to the abortion and the pathologist's test results pursuant to Section 12 of this Act.[1]

Such form shall be completed by the hospital or other licensed facility, signed by the attending physician, and transmitted to the Department not later than 10 days following the end of the month in which the abortion was performed.

In the event that a complication of an abortion occurs or becomes known after submission of such form, a correction using the same patient identification number shall be submitted to the Department within 10 days of its becoming known.

The Department may prescribe rules and regulations regarding the administration of this Act.

All information obtained by a physician, hospital or ambulatory health facility from a patient for the purpose of preparing reports to the Department under this Section shall be available to the Department for inspection in its capacity as a regulatory agency and for statistical and informational purposes in its capacity as a public service agency but shall not be disclosed publicly in such manner as to identify individual patients, except that the Department may disclose any information to another State agency required or authorized to conduct investigations of professional or business practices in hospital, ambulatory surgical treatment center, or other facility. State agencies conducting such investigations shall not disclose individual patient information publicly.

[1] Section 81-32 of this chapter.

Section 3. Section 9 of the "Ambulatory Surgical Treatment Center Act", approved July 19, 1973, as amended, is amended to read as follows:

Sec. 9. [S.H.A. ch. 111½, § 157-8.9]

The Department shall make or cause to be made such inspections and investigations as it deems necessary. Information received by the Department through filed reports, inspection, or as otherwise authorized under this Act shall not be disclosed publicly in such manner as to identify individual patients, except to another State agency for purposes of investigation of professional or business practices in a licensed ambulatory surgical treatment center, which State agency shall not disclose such individual patient information publicly.

Approved Aug. 24, 1979.

Effective Jan. 1, 1980.

PUBLIC TELEVISION STATIONS—APPROPRIATION

PUBLIC ACT 81-227

HOUSE BILL 2282

An Act making an appropriation to certain public television stations.

Approved and effective Aug. 24, 1979.

PUBLIC TELEVISION STATIONS—STATE GRANTS

PUBLIC ACT 81-228

HOUSE BILL 2283

An Act to provide for State grants to certain public television stations.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. [S.H.A. ch. 127, § 1501]

As used in this Act, unless the context otherwise requires:

"Illinois public television station or station" means a non-commercial education television station licensed as such by the Federal Communications Commission to and operating from a community located within this state.

"Actual operating cost" means the total sum expended for the operations and maintenance of an Illinois public television station.

Sec. 2. [S.H.A. ch. 127, § 1502]

Each station shall certify to the Comptroller, in such form and at such time as the Comptroller shall require, its actual operating cost for the prior fiscal year, and such certification, upon acceptance by the Comptroller, shall constitute the basis for grants as provided in this Act.

Sec. 3. [S.H.A. ch. 127, § 1503] Basic Service Grants

Every Illinois public television station shall receive an annual basic service grant in the amount of 50% of the funds for fiscal 1980, 40% of the funds for fiscal 1981, and 30% of the funds annually appropriated thereafter by the General Assembly to the Comptroller for the purposes of this Act divided by the number of such stations.

Sec. 4. [S.H.A. ch. 127, § 1504] Operating Support Grants

Every Illinois public television station shall receive an annual operating support grant amounting to a pro rata share of 50% of the funds for fiscal 1980, 60% of the funds for fiscal 1981 and 70% of the funds annually appropriated thereafter by the General Assembly to the Comptroller for the purpose of this Act, in proportion to the actual operating cost of the station in the prior fiscal year as compared to the aggregate of such costs for all Illinois public television stations.

Sec. 5. [S.H.A. ch. 127, § 1505] Grant limitation

Notwithstanding any other provisions of this Act, no station shall in any year be allocated funds under this Act in excess of one-half its annual operating costs for the prior fiscal year. Such funds as shall not be obligated by virtue of this limitation shall be distributed to the remaining stations in accordance with Section 4 of this Act.[1]

No funds received by any station shall be used for the purpose of investment, in real property or improvements to real property.

[1] Section 1504 of this chapter.

Section 6. [S.H.A. ch. 127, § 1501 note] Effective date. This Act shall take effect July 1, 1979.

Approved and effective Aug. 24, 1979.

CHAPTER 12

PROGRAMS—TELECOMMUNICATIONS SYSTEM

SECTION.
20-12-12-1. Telecommunications system—Statewide — Universities—Purposes.
20-12-12-2. Design and capacity — Arrangements for use — Approval.
20-12-12-3. Coordinating body — Composition — Advisory council.
SECTION.
20-12-12-4. Use by other institutions or persons for educational purposes.
20-12-12-5. Funds—Gifts—Federal aid.
20-12-12-6. "Higher education statewide telecommunications fund"—Purpose—Agent.

20-12-12-1 [28-6508]. Telecommunications system — Statewide — Universities — Purposes. — The trustees of Indiana University, the trustees of Purdue University, Ball State University board of trustees, Indiana State University board of trustees, the board of trustees of Vincennes University and the board of trustees of the Indiana Vocational Technical College, the board of directors of the independent colleges and universities of Indiana (hereinafter referred to collectively as the "universities") are hereby authorized, if they find the need exists therefor in order to provide for a broad dissemination of a wide variety of educational communications for the improvements and the advancement of higher educational opportunity, to jointly arrange from time to time for a period not exceeding ten [10] years for the use of a multi-purpose, multi-media, closed circuit, statewide telecommunications system furnished by communications common carriers subject to the jurisdiction of the public service commission of Indiana to interconnect the main campuses and the regional campuses of the universities, and centers of medical education and service. Such system shall be for the exclusive use of the universities; Provided the universities may permit the use of the system or any portion thereof by others as provided in section 4 [20-12-12-4] of this chapter. [Acts 1967, ch. 358, § 1, p. 1338; 1971, P. L. 332, § 1, p. 1316; 1972, P. L. 167, § 1, p. 828; 1973, P. L. 227, § 1, p. 1203.]

Compiler's Note. The words "State Higher Education; Generally;" which preceded the chapter designation in the Code were omitted by the compiler.

Title of Act. The title of Acts 1967, ch. 358, reads: "An act concerning the use of a state-wide telecommunications system by Indiana University, Purdue University, Indiana State University and Ball State University, permitting the use thereof by others, making appropriations in connection therewith, and declaring an emergency." In force March 11, 1967.

Titles of Amendatory Acts. The title of Acts 1971, P. L. 332, reads: "An act to amend IC 1971. 20-12-12 as it relates to higher education telecommunications systems."

The title of Acts 1972, P. L. 167, reads: "An act to amend IC 1971, 20-12-12 concerning higher education telecommunications systems."

The title of Acts 1973, P. L. 227, reads: "An act to amend IC 1971, 20-12-12 concerning education by allowing nonstate supported institutions to use the statewide telecommunications system."

Amendments. The 1971 amendment added "the board of trustees of Vincennes University" following "Indiana State University board of trustees" and substituted "universities" for "state universities" throughout.

The 1972 amendment added "and the board of trustees of the Indiana Vocational Technical College" following "Indiana State University board of trustees" and added "of this chapter" to the end of the section.

The 1973 amendment added "the board of directors of the independent colleges and universities of Indiana" following "Indiana Vocational Technical College" and substituted "improvements" for "improvement" following "educational communications for the."

Preamble. Acts 1967, ch. 358, contains a preamble which reads: "Whereas, there is a need for a state-wide communications system interconnecting the campuses, both main and regional, of Indiana University, Purdue University, Ball State University and Indiana State University to permit the sharing of educational resources between the four universities and between main campuses and regional campuses; and

"Whereas, there is a need for a statewide medical educational communications system interconnecting cooperating institutions for direct teaching of internes, residents, senior clinical and practicing physicians through continuing education in at least fifteen population centers in Indiana; and

"Whereas, there is a need for extended and continuing education over the entire state to up-date, retrain and otherwise bring rapidly advancing knowledge to those who need it in their daily pursuits; and

"Whereas, there is a need for extended vocational and technical training throughout the state of Indiana Vocational Technical College or other appropriate agency for post-high school students whose need must be satisfied if they are to take places commensurate with their native ability in an economy which needs their trained skills; and

"Whereas, there is a need for up-dating, retraining and otherwise making new and advanced knowledge available to the work force of Indiana in all lines of endeavor, in production skills, supervisory skills, management skills and related human talents; and

"Whereas, there is a need for sharing educational resources between public and private institutions of higher education in Indiana and thereby to multiply the utilization of the total investment in higher educational resources in Indiana; and

"Whereas, there may be a need to provide an interconnection system between a future network of educational television stations over which a full schedule of educational broadcast services could be brought into the homes, factories, businesses and schools of Indiana; and

"Whereas, there is a need to be of special service to the secondary and elementary schools of Indiana supplementing already existing services and bringing the special resources of higher education to the public schools, now therefore"

Emergency. Section 2 of Acts 1972, P. L. 167 declared an emergency. Approved February 17, 1972.

Cross-Reference. Educational television in common schools, 20-10-24-1—20-10-24-3.

20-12-12-2 [28-6509]. Design and capacity—Arrangements for use —Approval.—Such transmission system shall be so designed as to permit the installation of additional capacity and coverage as accumulating communication needs of higher education may require. Such system shall be capable of transmitting high-fidelity television signals, high-fidelity sound signals, data signals for computer communications, as well as voice traffic, and shall include control circuits. The arrangements for the use of such system may be upon such other terms and conditions as the universities deem necessary, proper or desirable. No plan or arrangements for the use of such telecommunications system shall be adopted or entered into pursuant to the provisions of this chapter [20-12-12-1—20-12-12-6] without the specific approval of the governor, the state budget committee and the state budget agency. [Acts 1967, ch. 358, § 2, p. 1338; 1971, P. L. 332, § 2, p. 1316.]

Amendment. The 1971 amendment substituted "universities" for "state universities."

20-12-12-3 [28-6510]. Coordinating body—Composition—Advisory council.—The universities shall establish a coordinating unit or other body composed of such persons as they may determine, which committee or other body shall have such powers to administer and supervise the use of such transmission system as may be from time to time delegated to it by the governing boards of the universities. The universities shall have equal representation on such coordinating unit or body. There shall also be an advisory council of representatives of users of the system. [Acts 1967, ch. 358, § 3, p. 1338; 1971, P. L. 332, § 3, p. 1316.]

Amendment. The 1971 amendment substituted "universities" for "state universities" throughout.

20-12-12-4 [28-6511]. Use by other institutions or persons for educational purposes.—Any arrangements for the use of such telecommunications system shall provide that the universities, or any committee or other body established pursuant to section 3 [20-12-12-3] if the power is so delegated to them, may permit any other institution of higher education, or any other governmental or public corporation or body, or any other corporation, individual, partnership, association, trust, or other person to use such telecommunications system or any portion thereof for educational purposes, subject to such rules, regulations, fees and charges as such universities, committee or other body may prescribe. Each university or universities or any other person or persons using the system shall have the responsibility for the origination of the program to be transmitted by it or them and of the reception and utilization of the program at the destination. The payment of all costs thereof in excess of the cost of the use of the system facilities shall be borne by the parties using the system as agreed upon. [Acts 1967, ch. 358, § 4, p. 1338; 1971, P. L. 332, § 4, p. 1316.]

Amendment. The 1971 amendment substituted "university" or "universities" for "state university" or "state universities" throughout.

20-12-12-5 [28-6512]. Funds—Gifts—Federal aid.—In connection with the use of such telecommunications system or any matter relating thereto, the universities shall have the power to accept gifts or contributions from individuals, corporations, partnerships, associations, trusts, or foundations and to accept funds on such terms and conditions as the universities deem necessary or desirable from the United States of America or any agency thereof and the universities shall have the power to enter into and carry out contracts and agreements in connection with any of the foregoing. [Acts 1967, ch. 358, § 5, p. 1338; 1971 P. L. 332, § 5, p. 1316.]

Amendment. The 1971 amendment substituted "universities" for "state universities" throughout.

20-12-12-6 [28-6513]. "Higher education statewide telecommunications fund"—Purpose—Agent.—A special and distinct fund is hereby created to be known as the "higher education statewide telecommunications fund." Expenditures from the fund hereby created shall be made only for payments by the universities for the use of a telecommunications system as provided in this chapter [20-12-12-1—20-12-12-6], for studies regarding the possibilities of extending the use of the system to other colleges and universities in the state and of the possibilities of extending the use of the system for post-high school and other educational uses, for the expenses of coordinating, planning and supervising the use of the telecommunications system, and for equipment for the originating and receiving of instructional communication and educational information by means of such telecommunications system. The state auditor shall pay, as needed, from time to time from such fund amounts to the trustees of Indiana University as agent for the universities and the trustees of Indiana University as such agent shall apply the same to the payment of items as they fall due which are payable from the higher education statewide telecommunications fund. [Acts 1967, ch. 358, § 6, p. 1338; 1971, P. L. 332, § 6, p. 1316.]

Amendment. The 1971 amendment substituted "universities" for "state universities" throughout.

Appropriation. Section 7 of Acts 1967, ch. 358, contained an appropriation of $600,000.

Emergency. Section 8 of Acts 1967, ch. 358 declared an emergency. Approved March 11, 1967.

CHAPTER 13

PROGRAMS—LABORATORY SCHOOLS

SECTION.	
20-12-13-1.	Model common schools — State universities — Contracts for education of children.
20-12-13-2.	Selection of pupils — Transportation.
20-12-13-3.	Tuition—Limitation.
20-12-13-4.	Terms of contracts — Termination.
20-12-13-5.	Tuition—Payment.

20-12-13-1 [28-6521]. Model common schools—State universities—Contracts for education of children. — Whenever any of the several boards of trustees of the Indiana State Normal School [Indiana State University and Ball State University], Indiana University and Purdue University shall have established a school in the county in this state, in which Indiana State Normal School [Indiana State University or Ball State University], Indiana State University or Purdue University is situated, for the purpose of instructing children therein in the subjects and branches of learning taught in the public schools of this state, the several trustees of the school townships of this state and the several boards of school trustees of the several cities and towns in this state are hereby authorized to enter into contracts with such board of trustees of the Indiana State Normal School [Indiana State University or Ball State University], Indiana University, or Purdue University, conducting such school providing for the education of all or any number of children of said several school corporations in such school and fixing the compensation to be paid to such board of trustees so conducting such school and the time of payment thereof. [Acts 1929, ch. 9, § 1, p. 14.]

Compiler's Notes. The words "State Higher Education; Generally;" which preceded the chapter designation in the Code were omitted by the compiler.

The names inclosed in brackets were inserted by the compiler. The "Indiana State Normal School" was established in 1865 (Acts 1865 (Spec. Sess.), ch. 36, Burns Indiana Statutes Annotated; Cumulative Pocket Supplement 1977

CHAPTER 7 — OPTIONAL CURRICULUM

SECTION.
20-10.1-7-1. Adult education.
20-10.1-7-2. Educational television.
20-10.1-7-3. Educational television — Joint programs.
20-10.1-7-4. Educational television — Credit.
20-10.1-7-5. Military instruction.
20-10.1-7-6. Military instruction — Staff.
20-10.1-7-7. Military instruction — Noncompulsory.

SECTION.
20-10.1-7-8. Voluntary religious observance — Authorized.
20-10.1-7-9. Voluntary religious observance — Time, facilities, and supervision.
20-10.1-7-10. Voluntary religious observance — Prohibitions.
20-10.1-7-11. Voluntary religious observance — Silent period.

20-10.1-7-1. Adult education. — The commission on general education and the state superintendent may prescribe a program of adult education and provide a plan for persons who have passed the high school age to receive high school credits. [IC 1971, 20-10.1-7-1, as added by Acts 1975, P.L. 240, § 1, p. 1289.]

Cross-References. Bilingual-bicultural instruction, 20-10.1-5.5-1 — 20-10.1-5.5-9.

Burns' Adm. Rules and Reg., Code Edition. See Rule (20-10.1-7-1)-1.

20-10.1-7-2. Educational television. — Each school corporation may conduct educational television instruction and may contract with a commercial television station for the use of the station's facilities and staff. Each governing body may budget and appropriate from the general fund for this and, if so, shall budget and appropriate in the same manner as provided by law for other school expenditures. [IC 1971, 20-10.1-7-2, as added by Acts 1975, P. L. 240, § 1, p. 1289.]

20-10.1-7-3. Educational television — Joint programs. — Any two [2] or more school corporations may jointly exercise the powers conferred in section 2 [20-10.1-7-2] of this chapter.

These corporations may pay into a joint fund their proportionate parts of the cost of these services, computed annually, as previously agreed by the proper officers of the participating school corporations. The treasurer of this joint fund shall deposit it as provided under IC 1971, 5-12 [5-12-1-1 — 5-12-8-8], and shall make disbursements upon the allowance of claims by an executive committee acting for the participating school corporations. This treasurer shall give bond in an amount established by the executive committee. [IC 1971, 20-10.1-7-3, as added by Acts 1975, P. L. 240, § 1, p. 1289.]

20-10.1-7-4. Educational television — Credit. — When approved by the commission on general education, credit shall be given in the elementary and high school grades for educational television instruction in the same manner as other credit is given under the state rules and regulations. [IC 1971, 20-10.1-7-4, as added by Acts 1975, P. L. 240, § 1, p. 1289.]

DIVISION V. STATE COMMUNICATIONS AND EDUCATIONAL RADIO AND TELEVISION

Iowa Administrative Code

Organization and Administration, Educational Radio and Television Facility Board, 340-1.1(19A) et seq. IAC.

Law Review Commentaries

Educational television—A non-commercial viewpoint of copyright law revision. Eugene N. Aleinikoff, Feb. 1968, 53 Iowa L. Rev. 880.

Library References

Telecommunications 🔑381.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 292, 316.

18.132 Purpose

It is the intent of the general assembly in providing for state communications, that an educational radio and television facility, including provision for closed circuit television, be established to serve the entire state, and that communications of state government be co-ordinated to effect maximum practical consolidation and joint use of communications services.

Historical Note

Formerly § 8A.1, Code 1973. Renumbered as § 18.132 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.1.
Acts 1967 (62 G.A.) ch. 88, § 1.

Title of Act:

An Act relating to state communications and educational radio and television and making an appropriation therefor. Acts 1967 (62 G.A.) ch. 88. Eff. Aug. 13, 1967.

18.133 Definitions

When used in this chapter, unless the context otherwise requires:

1. "State communications" means a system to serve communications needs of state departments and agencies.

2. "Director" means the director of the department of general services or his designee.

3. "Council" means the communications advisory council.

4. "Radio and television facility" means transmitters, towers, studios, and all necessary associated equipment for educational broadcasting.

5. "Board" means the educational radio and television facility board.

Historical Note

Formerly § 8A, Code 1973. Renumbered as § 18.133 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.2.
Acts 1971 (64 G.A.) ch. 84, § 15.
Acts 1967 (62 G.A.) ch. 88, § 2.

The 1971 amendment rewrote subsec. 2 which prior thereto defined "Division".

18.134 Administration—director of general services

All councils, boards, and commissions created by this chapter shall be placed, for administrative purposes, in the office of the director.

Before any obligations for expenditures shall be incurred from appropriations made under the provisions of this chapter the same shall be approved by the director.

Historical Note

Formerly § 8A.3, Code 1973. Renumbered as § 18.134 by Code Editor in 1974.

Derivation:

Acts 1973 (65 G.A.) ch. 121, § 2.
Code 1973, § 8A.3.
Acts 1972 (64 G.A.) ch. 1015, § 7.
Acts 1971 (64 G.A.) ch. 84, § 16.
Acts 1967 (62 G.A.) ch. 88, § 3.

The 1971 amendment deleted a provision that the administration of state communications be vested in the office of the state comptroller. It also deleted some provisions relating to the director.

The 1972 amendment added the last paragraph.

The 1973 amendment substituted, at the end of the last paragraph, the director for the state comptroller.

Notes of Decisions

1. In general

With respect to state educational television, Executive Order 14, Dec. 28, 1972, issued pursuant to Acts 1971 (64 G.A.) Ch. 84, inter alia, this section, merely transfers to the Department of General Services administrative functions previously exercised by the Comptroller and does not affect the control on responsibility of the State Educational Radio and Television Board.' Op. Atty.Gen. (McCausland), Sept. 17, 1973.

18.135 Rules

The director shall promulgate rules relating to state communications in accordance with the provisions of this chapter. The director shall also adopt and provide for standard communications procedures and policies to be used by all departments and agencies of state government.

Communications activities of departments of state government which affect the overall operation of state communications shall fall within the administrative jurisdiction of the director for review and action upon request from any department of state government.

Communications activities which are operational and the responsibility of a particular department of state government shall continue to fall within the administrative jurisdiction of that department of state government and be financed through its appropriations.

The director and the state educational radio and television facility board shall co-ordinate their activities to achieve the maximum possible co-operation and effective use of the available facilities.

Historical Note

Formerly § 8A.4 Code 1973. Renumbered as § 18.135 by Code Editor in 1974.

Derivation:

Acts 1973 (65 G.A.) ch. 121, § 3.
Code 1973, § 8A.4.
Acts 1971 (64 G.A.) ch. 84, § 17.
Acts 1967 (62 G.A.) ch. 88, § 4.

The 1971 amendment deleted the word services from services and facilities in the fourth paragraph.

The 1973 amendment substituted the director for the communications division.

Iowa Administrative Code

Organization and Administration, Educational Radio and Television Facility Board, 340–1.1(19A) et seq. IAC.

18.136 Advisory council

The state communications advisory council shall provide guidance to the director in the development, administration, unification and standardization of communication services to meet normal and emergency requirements of all state departments. The council shall consist of the following persons or their designated representatives:

1. The superintendent of public instruction.
2. The commissioner of public safety.
3. The adjutant general.
4. The chairman of the state transportation commission.
5. The president of the state board of regents.
6. The chairman of the council on social services.
7. The chairman of the state educational radio and television facility board.

Amended by Acts 1974 (65 G.A.) ch. 1180, § 46, eff. July 1, 1975.

Historical Note

Formerly § 8A.5, Code 1973. Renumbered as § 18.136 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.5.
Acts 1971 (64 G.A.) ch. 84, § 18.
Acts 1967 (62 G.A.) ch. 88, § 5.

The 1971 amendment substituted director for division in the first paragraph.

The 1974 amendment changed in subsection 4 "Iowa highway" to "state transportation", effective July 1, 1975.

18.137 Educational facility board created

There is hereby created a state educational radio and television facility board for the purpose of planning, establishing, and operating an educational radio and television facility and such other communications services as may prove necessary in aid of the accomplishment of the educational objectives of the state.

Historical Note

Formerly § 8A.6, Code 1973. Renumbered as § 18.137 by Code Editor in 1974.

Derivation:
Code 1973, § 8A.6.
Acts 1967 (62 G.A.) ch. 88, § 6.

Iowa Administrative Code

Organization and Administration, Educational Radio and Television Facility Board, 340-1.1(19A) et seq. IAC.

Library References

Telecommunications ⟹381.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 202, 316.

Notes of Decisions

1. Construction and application

State comptroller is not prohibited from issuing warrants to lessor of TV cameras delivered to possession and control of the educational TV board pursuant to an approved lease. Op.Atty.Gen. (Bidler) Nov. 28, 1969.

18.138 Membership

The board shall be composed of nine members who shall be selected in the following manner:

1. Three members shall be appointed by the state board of public instruction from its own membership or from the personnel of the state department of public instruction.

2. Three members shall be appointed by the state board of regents from its own membership or from among its employees or employees of institutions under the jurisdiction of the board.

3. Three members shall be appointed by the governor, at least one of whom shall be from a regionally accredited private four-year college or university.

Historical Note

Formerly § 8A.7, Code 1973. Renumbered as § 18.138 by Code Editor in 1974.

Derivation:
Code 1973, § 8A.7.
Acts 1967 (62 G.A.) ch. 88, § 7.

18.139 Terms of office

Terms of office for members of the board shall be for three years. Initial appointments in each of the three categories of appointment provided in section 18.138 shall be for one, two, and three years respectively, and thereafter all appointments, except appointments to fill a vacancy shall be for a term of three years. Terms shall commence on July 1 of the year of the appointment.

Historical Note

Former § 8A.8, Code 1973. Renumbered as § 18.139 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.8.
Acts 1967 (62 G.A.) ch. 88, § 8.

18.140 Vacancies

A vacancy on the board shall be as defined in section 277.29, insofar as applicable. - Termination of qualifying employment, under any of the categories of appointment specified in section 18.138 shall also create a vacancy. Vacancies shall be filled by the authority making the original appointment of the person whose membership has been vacated.

Historical Note

Formerly § 8A.9, Code 1973. Renumbered as § 18.140 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.9.
Acts 1967 (62 G.A.) ch. 88, § 9.

18.141 Officers

The council and board shall each elect from their respective memberships a chairman and vice-chairman who shall each serve for one year and who may be reelected. Membership on the council or board shall not constitute holding a public office and members shall not be required to take and file oaths of office before serving. No member shall be disqualified from holding any public office or employment by reason of his appointment or membership on either the council or the board nor shall any member forfeit any such office or employment by reason of his appointment to the council or board, notwithstanding the provisions of any general, special or local law, ordinance or city charter.

Historical Note

Formerly § 8A.10, Code 1973. Renumbered as § 18.141 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.10.
Acts 1967 (62 G.A.) ch. 88, § 10.

18.142 Compensation and expenses

The members of both the council and the board shall be paid a forty-dollar per diem and be reimbursed for travel and actual and necessary expenses involved in attending meetings and in the performance of their duties. All per diem and expense moneys paid to the members shall be paid from funds appropriated to the department of general services.

Historical Note

Formerly § 8A.11, Code 1973. Renumbered as § 18.142 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.11.
Acts 1973 (65 G.A.) ch. 124, § 1.
Acts 1967 (62 G.A.) ch. 88, § 11.

The 1973 amendment fixed a per diem of forty dollars.

18.143 Meetings

Both the council and the board shall meet separately at least four times each year and shall hold special meetings when called by the appropriate chairman or in the absence of the chairman by the vice-chairman or by the chairman upon written request of four members. Both the council and the board shall establish procedures and requirements with respect to quorum, place and conduct of meetings.

Historical Note

Formerly § 8A.12, Code 1973. Renumbered as § 18.143 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.12.
Acts 1967 (62 G.A.) ch. 88, § 12.

18.144 Advisory committees

The board shall appoint at least two advisory committees as follows:

1. Advisory committee on general operations and policy.
2. Advisory committee on curricula and educational matters.

Duties of said advisory committees, and such additional advisory committees as the board may from time to time appoint, shall be specified in rules of internal management adopted by the board.

Historical Note

Formerly § 8A.13, Code 1973. Renumbered as § 18.144 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.13.
Acts 1967 (62 G.A.) ch. 88, § 13.

18.145 Federal funds

The board, the governor, or the director may apply for and accept federal or nonfederal gifts, loans, or grants of funds and to use the same to pay all or part of the cost of carrying out any project under the provisions of this chapter.

Historical Note

Formerly § 8A.14, Code 1973. Renumbered as § 18.145 by Code Editor in 1974.

The 1971 amendment substituted director for state comptroller.

Derivation:

Code 1973, § 8A.14.
Acts 1971 (64 G.A.) ch. 84, § 19.
Acts 1967 (62 G.A.) ch. 88, § 14.

Library References

United States ⇐82.

C.J.S. United States § 122.

18.146 Purchase or lease of property

The board shall have power to purchase or lease property, equipment, and services and to improve same for proper educational communications uses, and to dispose of property and equipment when not necessary for their purposes.

Historical Note

Formerly § 8A.15, Code 1973. Renumbered as § 18.146 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.15.
Acts 1967 (62 G.A.) ch. 88, § 15.

Notes of Decisions

1. Construction and application

The state educational facility board has authority to enter into lease contracts, but a long term lease of space on a television tower for which the state of Iowa would pay more than 64% of the authorized cost to the lessor should have clear prior approval of the legislature. Op.Atty.Gen. (Montgomery), April 13, 1970.

State comptroller is not prohibited from issuing warrants to lessor of TV cameras delivered to possession and control of the educational TV board pursuant to an approved lease. Op.Atty. Gen. (Bidler) Nov. 28, 1969.

18.147 Channels, licenses and permits

The board shall make applications for all necessary channels, frequencies, licenses, and permits in aid of carrying out their purposes.

Historical Note

Formerly § 8A.16, Code 1973. Renumbered as § 18.147 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.16.
Acts 1967 (62 G.A.) ch. 88, § 16.

Library References

Telecommunications ⚷381.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 292, 316.

18.148 Joint use of facilities

The board and director may arrange for joint use of available services and facilities.

No charge or fee shall be paid by the state of Iowa or any of its boards, commissions, agencies, and departments for any installation of any communication equipment, or rate for the use thereof if the attorney general has filed a complaint on behalf of the state of Iowa questioning the fairness and reasonableness of said charge, rate or fee, unless the Iowa commerce commission shall upon hearing affirmatively find that such charge, fee, and rate is fair and reasonable.

Historical Note

Formerly § 8A.17, Code 1973. Renumbered as § 18.148 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.17.
Acts 1971 (64 G.A.) ch. 84, § 20.
Acts 1967 (62 G.A.) ch. 88, § 17.

The 1971 amendment substituted director for division in the first paragraph.

18.149 Director educational facilities

The board shall appoint an educational facilities director who shall not be included in the Iowa merit system and fix his compensation if it is not otherwise provided by law. All appointments of personnel needed to administer this chapter shall be without reference to political party affiliation, religious beliefs, sex, marital status, race, color, or national origin. The total amount of compensation for employees shall be subject to the limitation of the appropriation and other funds lawfully available.

Historical Note

Formerly § 8A.18, Code 1973. Renumbered as § 18.149 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.18.
Acts 1971 (64 G.A.) ch. 84, § 21.
Acts 1967 (62 G.A.) ch. 88, § 18.

The 1971 amendment substituted educational facilities director for director.

Iowa Administrative Code

Organization and Administration, Educational Radio and Television Facility Board. 340-1.1(19A) et seq. IAC.

18.150 Local boards

Nothing in this division shall prohibit local boards of education from owning, operating, improving and maintaining educational radio and television stations and transmitters now in existence and operation. Local boards of education are hereby empowered and authorized to enter into such agreements with the state educational radio and television facility board as are contemplated in section 18.146.

Historical Note

Formerly § 8A.19, Code 1973. Renumbered as § 18.150 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.19.
Acts 1967 (62 G.A.) ch. 88, § 19.

18.151 Competition with private sector

It is the intent of the general assembly that the state educational radio and television facility board of the department of general services shall not compete with the private sector by actively seeking revenue from its operations. It is not the intent of the general assembly to prohibit the receipt of charitable contributions as defined by section 170 of the Internal Revenue Code.[1] All moneys received after July 1, 1973, by the state educational radio and television facility board of the department of general services from all sources except amounts appropriated by the general assembly or received under Acts of the Sixty-Fifth General Assembly, chapter 100, section 4, shall become the property of the state of Iowa and shall be promptly deposited in the state general fund.

[1] See 26 U.S.C.A. § 170.

Historical Note

Formerly § 8A.20, Code 1973. Renumbered as § 18.151 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.20.
Acts 1973 (65 G.A.) ch. 100, § 5.

Former section 8A.20, Code 1971, was repealed by Acts 1972 (64 G.A.) ch. 1015, § 8. It was derived from Acts 1967 (62 G.A.) ch. 88, § 20 and was an appropriation provision.

Section 4 of Acts 1973 (65 G.A.) ch. 100, omitted in Code 1975, provided:

"The educational radio and television facility board, the director of the department of general services, the governor, and the state comptroller may accept federal or private grants to the state or accept as a gift any facilities or real property to be used in connection wtih the funds appropriated by this Act."

Library References

Telecommunications 🔑381.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 292, 316.

18.152 Location of facilities

The state educational radio and television facility board may locate its administrative offices and production facilities outside the city of Des Moines, Iowa, and on land acquired by the board from the Area XI Community College at Ankeny, Iowa.

Historical Note

Formerly § 8A.21, Code 1973. Renumbered as § 18.152 by Code Editor in 1974.

Derivation:

Code 1973, § 8A.21.
Acts 1970 (63 G.A.) ch. 1019, § 1.

18.153 Annuity contracts

At the request of an employee through contractual agreement the board may arrange for the purchase of group or individual annuity contracts for any of its respective employees from any company the employee may choose that is authorized to do business in this state and through an Iowa-licensed insurance agent that the employee may select, for retirement or other purposes and may make payroll deductions in accordance with such arrangements for the purpose of paying the entire premium due and to become due under such contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits afforded under section 403b of the Internal Revenue Code of 1954 and amendments thereto. The employee's rights under such annuity contract shall be nonforfeitable except for the failure to pay premiums.

Whenever an existing tax-sheltered annuity contract is to be replaced by a new contract the agent or representative of the company shall submit a letter of intent to the company being replaced, to the insurance commissioner of the state of Iowa, and to his own company at least thirty days prior to any action by registered mail. This letter of intent shall contain the policy number and description of the contract being replaced and a description of the replacement contract.

Added by Acts 1974 (65 G.A.) ch. 1197, § 5.

Article 49.—PUBLIC TELEVISION

Revisor's Note:

Article formerly entitled "Public Television System." The public television commission established in 1974, to study the feasibility of creating a public television system was abolished in 1977, and the Kansas public television board was established to administer matters relating to public television.

75-4901. Abolition of public television commission. (a) On July 1, 1977, the public television commission created by this section prior to its amendment by this act, and the office of executive secretary of the public television commission provided for by K.S.A. 1976 Supp. 75-4902, which section is repealed by this act, shall be and are hereby abolished.

(b) On July 1, 1977, all of the powers, duties and functions of the state agency and office designated in subsection (a) shall be and are hereby abolished.

(c) On and after July 1, 1977, whenever the state agency or office designated in subsection (a) are referred to or designated by a statute, contract or other document, such reference or designation shall be null and void and of no force and effect whatsoever, except that any references or designation to the public television commission in any authorized contract entered into by said commission prior to July 1, 1977, and not fully executed on said date, shall be deemed to apply to the Kansas public television board established by this act. Any such contract shall remain in full force and effect until fully executed or until terminated or revoked in the manner provided in such contract or as is otherwise provided by law on the date of such contract.

(d) On July 1, 1977, all of the records, memoranda, writings and property of the public television commission shall be and are hereby transferred to the Kansas public television board established by this act and said board shall have legal custody of the same.

(e) On July 1, 1977, the balance of any appropriation for and any funds available to the public television commission shall be transferred to the Kansas public television board established by this act.

History: L. 1974, ch. 355, § 1; L. 1977, ch. 303, § 7; April 11.

75-4902.

History: L. 1974, ch. 355, § 2; L. 1975, ch. 416, § 22; Repealed, L. 1977, ch. 303, § 8; April 11.

75-4903, 75-4904.

History: L. 1974, ch. 355, §§ 3, 4; Repealed, L. 1977, ch. 303, § 8; April 11.

75-4905. Legislative findings and declaration. It is hereby found and declared that it is in the public interest of the state to encourage and develop the growth of noncommercial public television broadcasting, including the use of the medium for instructional purposes; that the expansion and development of noncommercial public television broadcasting and its programming diversity depend on freedom, imagination and initiative; that it furthers the general welfare to encourage such programming which will be responsive to the interests of people throughout the state and which will constitute an expression of diversity and excellence; that it is necessary and appropriate for the state government to complement, assist and support a policy that will most effectively make noncommercial public television service available to the people of the state.

History: L. 1977, ch. 303, § 1; April 11.

75-4906. Kansas public television board; establishment; composition; organization; meetings. There is hereby established the Kansas public television board, hereinafter referred to as the board, which board shall consist of three members. The secretary of administration, the executive officer of the state board of regents and the commissioner of education are hereby made members of said board. The board shall organize at its first meeting by election from its membership of a chairperson and by adopting such rules of procedure as it deems necessary for conducting its business. The board shall hold such meetings as in its judgment may be necessary for the performance of its powers, duties and functions.

History: L. 1977, ch. 303, § 2; April 11.

75-4907. Same; administration of act; rules and regulations; powers and duties. The board shall administer this act and shall have and may exercise the following powers, duties and functions:

(a) Adopt rules and regulations necessary for the administration of this act;

(b) provide coordination and information on matters relating to public television broadcasting among state agencies, all facets of Kansas public education, and individuals, associations, and institutions working in such fields both within and without the state;

(c) establish statewide equipment compatibility policies and determine methods of interconnection to be employed within the state;

(d) make to the governor and the legislature such recommendations as deemed necessary with regard to appropriations relative to public television broadcasting operations and facilities consistent with furthering the purposes of this act;

(e) determine those educational agencies or institutions and public television stations which qualify for state financial assistance provided for by this act;

(f) cooperate and coordinate with federal agencies for the purpose of obtaining matching and other federal funds for providing public television broadcasting facilities throughout the state, and make such reports as may be required of the state to such federal agencies;

(g) allocate and distribute state funds to noncommercial public television stations serving Kansas to sustain the operation of such stations;

(h) receive and administer aid or contributions from any source, public or private, of money, property, labor, or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(i) make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;

(j) employ consulting engineers, attorneys, accountants, construction, electronic and financial experts, and such other employees on a part-time or full-time basis as may be necessary in its judgment, and to fix their compensation;

(k) appoint advisory committees of any nature;

(l) do all acts and things necessary and convenient to carry out the powers expressly granted in this act.

History: L. 1977, ch. 303, § 3; April 11.

75-4908. Personnel; compensation, duties. All personnel employed under authority of this act shall be in the classified service under the Kansas civil service act, except that a staff assistant to the board, who shall be appointed by said board and shall perform such duties as are assigned to implement the provisions of this act, shall be in the unclassified service under the Kansas civil service act and shall receive such compensation as is prescribed by the board, subject to the approval of the governor.

75-4909. Studies relating to statewide public television services. The board is hereby authorized to conduct, or contract for, studies and to update any studies already made relative to the expansion and development of statewide public television services.

History: L. 1977, ch. 303, § 5; April 11.

75-4910. Educational agencies and institutions, public television stations; state financial assistance, purposes. (a) Any qualified educational agency or institution, as determined by the board, which is located in an area of the state presently unserved by existing public television stations, may be granted state financial assistance, to the extent appropriations are available therefor, for any of the following purposes:

(1) Planning the activation of public television channels assigned by the federal communications commission in said unserved areas. Moneys granted under authority of this paragraph (1) shall be used to make community ascertainment studies, to update prior engineering studies, to complete other necessary preparations prior to filing, and to file with the federal communications commission for a television station construction permit, and to make application to the appropriate agencies of the federal government to obtain grants for the acquisition and installation of broadcasting equipment.

(2) Providing for the local share of the cost of capital construction and equipment necessary to obtain federal funds for each new public television station planned.

(3) Assisting in the initial costs of capital construction and equipment for which federal funds are not available. Said moneys may be used for the construction of buildings, land leases, furniture and fixtures, spare parts for broadcast equipment, and other such items.

(b) Any qualified public television station, as determined by the board, may be granted state financial assistance, to the extent appropriations are available therefor, for any of the following purposes:

(1) Assisting in the costs incurred for the acquisition of new equipment or the modification of existing equipment or in obtaining matching federal funds for such purposes.

(2) Assisting in annual operating costs of such stations.

(3) Providing for station interconnection facilities and services.

History: L. 1977, ch. 303, § 6; April 11.

CHAPTER 168

EDUCATIONAL TELEVISION

SECTION.
168.020. Definitions for KRS 168.010 to 168.100.
168.030. Kentucky authority for educational television.
SECTION.
168.040. Membership of authority.
168.090. Compensation and expense of members.
168.100. Powers of authority.

168.020. Definitions for KRS 168.010 to 168.100.—As used in KRS 168.010 to 168.100, the following words and terms have the following meanings, unless in any instance, the context shall clearly indicate another meaning, in which event the context shall be controlling:

(1) "Authority" means the Kentucky authority for educational television;

(2) "Board" means the state board for elementary and secondary education;

(3) "Department" means the state department of education;

(4) "Public schools" means the state-supported schools of the elementary and secondary levels, as defined in KRS 157.320;

(5) "Commission" means the state property and buildings commission of Kentucky;

(6) "Council" means the council on higher education in Kentucky;

(7) "University of Kentucky" means the University of Kentucky as one (1) entity, including its present and future extensions;

(8) "State colleges and universities" means and includes Eastern Kentucky University, Kentucky State University, Morehead State University, Murray State University, Western Kentucky University, and the University of Louisville; but does not include any present or future state supported junior colleges, unless by statute the same are given representation on the council;

(9) "Educational television" means and includes the production of television programs, the filming or taping thereof, the purchase or lease of filmed or taped programs produced by others, and the transmission or relaying of them for utilization:

(a) Which may be used in aid of education in the public schools and state-supported institutions of higher education, and

(b) For limited and incidental use in furtherance of other proper public functions;

(10) "Television facilities" means and includes sites, buildings, structures, machinery, equipment and installations, each with necessary or appropriate appurtenances, used or useful in the furtherance of educational television;

(11) "Related functions" or "related services" means and includes the use of facilities operated or leased by the authority, or which may be added or connected to such facilities as permitted by applicable statutes, and to prepare, transmit, or enable the exchange of nontelevision programs, services or functions for and among the public schools, state-supported institutions of higher education, and other state agencies:

(a) In aid of education, and

(b) For use in other proper public functions; provided, however, that such related functions or related services may include, but are not limited to, the following examples: computer-assisted instruction, data for teaching or administrative purposes, and educational noncommercial radio;

(12) "Related facilities" means and includes sites, buildings, structures, machinery, equipment and installations, each with necessary or appropriate appurtenances, used or useful in the furtherance of related functions or services. (Enact. Acts 1962, ch. 16, § 3; 1970, ch. 204, § 3; 1972, ch. 181, § 1; 1978, ch. 155, §§ 82, 104, effective June 17, 1978; 1978, ch. 276, § 1, effective June 17, 1978.)

Compiler's Notes. The words "executive director of the council on public higher education" appearing in this section should read "executive director of the council on higher education" on authority of Acts 1978, ch. 155, § 104, effective June 17, 1978.

168.030. Kentucky authority for educational television.—An independent agency and instrumentality of the commonwealth is hereby created and established to be known as "the Kentucky authority for educational television," the same being a public body corporate and politic, with perpetual succession, the power in its own name to contract and be contracted with, sue and be sued, to adopt and use a corporate seal, to adopt bylaws for the orderly conduct of its affairs, and to alter the same from time to time, to prescribe and enforce regulations governing the use of educational television and television facilities and related functions and facilities, and generally to have and use all powers of private corporations as set forth in KRS chapter 271A, except as the same may be inconsistent with the provisions of KRS 168.010 to 168.100. (Enact. Acts 1962, ch. 16, § 2; 1970, ch. 204, § 2; 1972, ch. 274, § 147.)

168.040. Membership of authority.—The authority shall consist of nine (9) members, as follows:

The superintendent of public instruction, ex officio, who shall initially serve as temporary chairman and shall call and preside over the organizational meeting or meetings until such time as the members of the authority shall elect a chairman from among their number; a member of the staff or personnel of the department elected by the board upon recommendation of the superintendent of public instruction as being qualified to serve as liaison and coordinator between the authority and the department on matters of curriculum, and his term shall be the same as that of the superintendent of public instruction by whom he is recommended, but terminable by the board in the event he is transferred to other duties in the department, and automatically terminated in the event of his severance from the department for any reason; a representative of the University of Kentucky and a representative of the state universities who are members of the council, to be elected by the council; five (5) additional members appointed by the governor who need possess no special or prescribed qualifications except that they shall be citizens of Kentucky. (Enact. Acts 1962, ch. 16, § 4 (1st par.); 1970, ch. 204, § 4; 1978, ch. 59, § 1, effective June 17, 1978.)

168.080. Employes.

Opinions of Attorney General. Since under KRS 64.640 the governor sets the compensation payable out of the state treasury to each officer of an independent agency, the authority for educational television can only recommend to the governor the annual compensation of the agency's chief executive. OAG 77-707.

168.090. Compensation and expense of members.—(1) Members of the authority who are otherwise compensated by the Commonwealth on a full time basis shall receive no additional compensation as members of the authority, or for attendance at meetings. Members who are not otherwise compensated by the Commonwealth on a full time basis shall receive a per diem of fifty dollars ($50.00) for attendance at each meeting, including reasonable travel time necessarily required.

(2) All members may be reimbursed for actual travel and other proper expenses according to reasonable rules and regulations of the authority. The scope of travel shall not be limited to the confines of the Commonwealth; but may extend to any place outside the Commonwealth if specifically authorized by the authority by motion, resolution or directive reciting the occasion, necessity, and persons authorized to travel. (Enact. Acts 1962, ch. 16, § 7; 1978, ch. 154, § 11, effective June 17, 1978.)

168.100. Powers of authority.—The authority shall have no power of taxation, nor is it vested with the police power of the commonwealth, except insofar as the exercise of the power of eminent domain may be deemed a part thereof. Otherwise, in general terms, it shall have and is hereby given all such constitutional powers as are necessary to its accomplishment of the purpose and implementation of the public policy set forth in KRS 168.010. Without limiting the generality of the foregoing, but only for assurance to parties from time to time transacting business with the authority, and who may demand and be entitled to assurance, the following specific powers are hereby vested in the authority:

(1) To receive and use in the furtherance of its lawful objectives such state funds as may be appropriated or allotted to it from time to time, any funds received for services rendered under contract or from the sale of property owned by it, and contributions, matching funds, gifts, bequests and devises from any source, whether state or federal, and whether public or private; unless the same be tendered subject to one or more conditions which are inconsistent with KRS 168.010 to 168.100, or otherwise unlawful;

(2) To make contracts and agreements whereunder the authority may undertake to provide educational television facilities and related functions and facilities to or for any public body of the state or federal government in furtherance of educational television or in aid of any other public function; Provided, however, it shall be an express provision of every such contract that the authority will not undertake to transmit or relay, and will not permit any other party to transmit or relay, in the use of the authority's television facilities, any subversive matter, any political propaganda, or any image or message in the interests of any political party or candidate for public office; or be used by, or in aid of, any church, sectarian or denominational school; but this proviso is not intended and shall not be construed to be a limitation upon dissemination by the authority of legitimate objective instructional material which is properly related to the study of history or of current events, or which is no more than factually informative, of current issues of government or of various political ideologies;

(3) To produce, prepare, transmit and relay, either from life or by recording on tape or films, educational television programs and related services not inconsistent with the curricula prescribed or approved for the public schools of the commonwealth by the department or the board;

(4) To purchase or lease from others, or to contract with others for the use of, or the right to transmit or relay similar educational television programs and related services, whenever in the opinion of the authority the same are suitable and cannot be produced as effectively or economically through the use of its own facilities;

(5) To purchase, lease or otherwise acquire, and to operate, television and related facilities deemed by the authority to be necessary in the furtherance of its lawful objectives; and in this connection to acquire property by the exercise of the power of eminent domain in the manner authorized for the bureau of highways by the Eminent Domain Act of Kentucky whenever the same cannot be purchased, leased, or otherwise acquired at a reasonable price after reasonable negotiations with the owner or owners. In all such matters, the authority shall be subject to the provisions of KRS chapters 45 and 56;

(6) To prescribe standards for receiving instruments which are purchased in the future for use in the public schools, in order that reception of educational television programs and related services may be acceptable and in conformity with the manner of transmission thereof; and to disseminate such standards together with technical information with regard to installations and use of receiving instruments to all of the public school districts, or to such as may request the same;

(7) In its discretion and within the limitation or availability of funds from any sources, to:

(a) Establish a program of matching funds as an inducement to public school districts to purchase and install proper facilities for receiving and utilizing educational television programs and related services, especially in situations where by reason of topographical difficulties of reception, special antennas or other equipment may be required, and/or

(b) If so requested by the boards of education of a sufficient number of public school districts, to purchase through the executive department for finance and administration, subject to the provisions of KRS chapter 45, receiving instruments on their behalf on a wholesale basis for the purposes of economy, any such purchases to be on a public competitive basis after due advertisement according to law, but restricted to such receiving instruments as meet the standards prescribed by the authority. (Enact. Acts 1962, ch. 16, § 8; 1970, ch. 204, § 6; 1974, ch. 74, Art. II, § 9(1); 1974, ch. 74, Art. IV, § 20(1); 1976, ch. 140, § 73.)

Cross-References. Eminent Domain Act of Kentucky, KRS 416.540 to 416.670.

Opinions of Attorney General. A private college could not legally be permitted to erect an FM antenna on a tower built as an educational television facility. OAG 71-354.

KRS 168.010 to 168.100 expressly prohibit educational television facilities from being used in any way by or in aid of any church, sectarian or denominational school. OAG 71-354.

KRS 168.100(2) and 156.070 restrict the furnishing of educational television facilities and related functions and facilities to and for public bodies of state and federal government. OAG 71-354.

An employe of the Kentucky Authority for Educational Television under the state merit system who receives no profit from her work other than her regular salary may legally become a candidate for and serve, if elected, as a member of the local school board and at the same time retain her employment with the Kentucky Authority for Educational Television. OAG 76-394.

* * * * * * * *

156.070. General powers and duties of state board.—(1) The state board for elementary and secondary education shall have the management and control of the common schools, and all programs operated in such schools, including interscholastic athletics, the Kentucky School for the Deaf and the Kentucky School for the Blind.

(2) The board may designate an organization or agency to manage interscholastic athletics in the common schools, provided that the rules, regulations and bylaws of any organization or agency so designated shall be approved by the board, and provided further that the board shall adopt regulations providing for the appeal to the board of any decisions made by the designated managing organization or agency.

(3) (a) It is hereby authorized to lease from the state property and buildings commission, or others, whether public or private, any lands, buildings, structures, installations and facilities suitable for use in establishing and furthering television and related facilities as an aid or supplement to classroom instruction, throughout the Commonwealth, and for incidental use in any other proper public functions. Any such lease may be for any initial term commencing with the date of such lease and ending with the next ensuing June 30 which is the close of the then current fiscal biennium of the Commonwealth with exclusive options in favor of the board to renew the same for successive ensuing bienniums (July 1 in each even year to June 30 in the next ensuing even year); and the rentals may be fixed at such sums in each biennium, if renewed, as will be sufficient to enable the state property and buildings commission to pay therefrom the maturing principal of and interest on (and provide reserves for) any revenue bonds which said state property and buildings commission may determine to be necessary and sufficient, in agreement with the board, to provide the cost of acquiring such television and related facilities, with appurtenances and such costs as may be incident to the issuance of such bonds.

(b) Each such option of the state board for elementary and secondary education to renew the lease for a succeeding biennial term may be exercised at any time after the adjournment of the session of the general assembly at which appropriations shall have been made for the operation of the state government for such succeeding biennial term, by notifying the state property and buildings commission in writing, signed by the superintendent of public instruction, and delivered to the secretary of the executive department for finance and administration as a member of said commission; provided, however, that such option shall be deemed automatically exercised, and the lease automatically renewed for the succeeding biennium, effective on the first day thereof, unless a written notice of the board's election not to renew shall have been delivered in the office of the secretary of the executive department for finance and administration before the close of business on the last working day in April immediately preceding the beginning of such succeeding biennium.

(c) The board shall not itself operate such leased television facilities, or undertake the preparation of the educational presentations or films to be transmitted thereby, but may enter into one or more contracts to provide therefor, with any public agency and instrumentality of the Commonwealth having, or able to provide, a staff with proper technical qualifications, upon which agency and instrumentality the board, through the superintendent of public instruction and the department of education, is represented in such manner as to coordinate matters of curriculum with the curricula prescribed for the public schools of the Commonwealth. Any such contract for the operation of the leased television or related facilities may permit limited and special uses of the television or related facilities for other programs in the public interest, subject to such reasonable terms and conditions as the board and the operating agency and instrumentality may agree upon; but any such contract shall affirmatively forbid the use of the television or related facilities, at any time or in any manner, in the dissemination of political propaganda or in furtherance of the interest of any political party or candidate for public office, or for commercial advertising. No lease between the board and the state property and buildings commission shall bind the board to pay rentals for more than one (1) fiscal biennium at a time, subject to the aforesaid renewal options. The board may receive and may apply to rental payments under any such lease and to the cost of providing for the operation of such television or related facilities not only appropriations which may be made to it from state funds, from time to time, but also contributions, gifts, matching funds, devises and bequests from any source, whether federal or state, and whether public or private, so long as the same are not conditioned upon any improper use of the television or related facilities in a manner inconsistent with the provisions of this subsection.

(4) The state board for elementary and secondary education may, on the recommendation and with the advice of the superintendent of public instruction, prescribe, print, publish and distribute at public expense such rules, regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as it deems necessary for the efficient management, control and operation of the schools under its jurisdiction. All rules and regulations published or distributed by the board shall be inclosed in a booklet or binder on which the words "informational copy" shall be clearly stamped or printed. (4377-1, 4377-12, 4527-63, 4618.80: amend. Acts 1952, ch. 41, § 2; 1958, ch. 47, § 2; 1962, ch. 13, § 3; 1964, ch. 5; 1970, ch. 204, § 7; 1976, ch. 327, § 2; 1978, ch. 60, § 1, effective June 17, 1978; 1978, ch. 155, §§ 41, 82, 89, effective June 17, 1978.)

Legislative Research Commission Note. This section was amended by two 1978 acts (chapters 60, § 1 and 155, § 89) which do not appear to be in conflict and which have been compiled together.

Compiler's Notes. The words "commissioner of the executive department for finance and administration" in subsection (3) (b) of this section should read "secretary of the executive department for finance and administration" on authority of Acts 1978, ch. 155, § 41, effective June 17, 1978.

Opinions of Attorney General. A private college could not legally be permitted to erect an FM antenna on a tower built as an educational television facility. OAG 71-354.

KRS 168.100(2) and 156.070 restrict the furnishing of educational television facilities and related functions and facilities to and for public bodies of state and federal government. OAG 71-354.

The administrative regulations of the state board of education have the force and effect of law. OAG 72-223.

Although KRS 45.360(7) provides that the sale of all property owned by the state which is needed for public use shall be made upon public bids, subsection (1) of this section does not mention any restriction imposed upon the local board to sell school property so that subsection (7) has been held to not apply to property owned by the district board of education and, while title to such property is technically vested in the commonwealth, the local school board has the power to convey good title. OAG 73-204.

Regulations for bidding promulgated under the authority of this section and KRS 156.200 by county board of education has the force of law. OAG 73-247.

Subsection (1) of this section does not give the state board of education the authority to enact SBE-22-070 as to the requirement that the disposal of surplus property shall be done either through sealed bids or by public auction, as the legal obligation of a school board in selling property is to get the fair market value for the property sold in order that its value will not be lost to the district and to school purposes. OAG 74-204.

Since KRS 156.010 makes the superintendent of public instruction the head of the department of education, and KRS 12.040 provides that heads of departments shall exercise supervision over personnel of a department, it is the superintendent, not the state board, who has authority to impose sanctions for violations of administrative duties by personnel under his supervision. OAG 75-662.

Louisiana West's Louisiana Statutes Annotated, 1979 Cumulative Annual Pocket Part

CHAPTER 13. LOUISIANA EDUCATIONAL TELEVISION AUTHORITY

Sec.
2501. Statement of purpose.
2502. Definitions.
2503. Louisiana Educational Television Authority; creation; domicile; membership; term; vacancies; quorum; staff.
2504. Meetings; rules; officers; compensation.
2505. Powers, duties and functions.
2506. Political prohibitions; Federal Communications Commission Regulations.

Former sections 2501 to 2508 of this title were repealed by Acts 1968, No. 533, § 2.

§ 2501. Statement of purpose

A. In order to promote the use of educational and public television and radio in the state of Louisiana to further the education and cultural enrichment of its citizens, it is hereby declared to be in the public interest that the Louisiana Educational Television Authority be created within the executive department of the state government.

B. The Authority is created for the purpose of making the benefits of educational and public television and radio available to and promoting their use by inhabitants of Louisiana, and to this end it is hereby empowered and directed to survey, study and appraise the need for an overall plan for the use of television and radio facilities available for noncommercial educational and public use in the state. The Authority is empowered to act as the official agency of the state to be the licensee of the stations or channels needed to implement the purposes of this Chapter, except that it shall not be the licensee of any presently existing noncommercial educational public television and radio stations within the State of Louisiana. The Authority is specifically charged to cooperate with all presently existing noncommercial educational public television and radio stations within the State of Louisiana and with the duty of controlling and supervising the use of all other channels and frequencies reserved by the Federal Communications Commission to Louisiana for noncommercial, educational public use.

C. The other purposes of the Authority are:

1. To lease, purchase, construct, own, operate, manage and be the licensee of educational and public television and radio stations, production centers and all other related equipment and facilities for the production and/or transmission of open circuit, closed circuit, and any other transmission means necessary to provide complete network coverage of educational and public television and radio in the State of Louisiana.

2. To cooperate with all licensed educational and public television and radio stations and networks, and to cooperate with any other nonprofit corporations which are organized for the purpose of operating public television and radio stations.

3. To acquire or assist in the acquisition of land and the planning, construction and development of the facilities for educational and public television and radio in the State of Louisiana.

Added by Acts 1971, No. 13, § 2.

Transfer of The Louisiana Educational Television Authority to the Department of Education effective on or before December 31, 1977 see R.S. 36:651.

Library references

Telecommunications ⚷383, 433.
C.J.S. Telegraphs, Telephones, Radio, and Television §§ 294, 298–301, 316.

1. Construction and application

Public funds cannot be granted to educational television stations, however, services can be purchased for public purpose. Louisiana Educational TV Authority could lease or purchase facilities of WYES, if the station desired to sell to LETA. Op.Atty.Gen., No. 74–761, Jan. 27, 1975.

§ 2502. Definitions

The term "Authority" means the Louisiana Educational Television Authority, and when used in connection with action authorized to be taken by the Authority, means the Authority acting by and through its members.

Added by Acts 1971, No. 13, § 2.

§ 2503. Louisiana Educational Television Authority; creation; domicile; membership; term; vacancies; quorum; staff

A. There is hereby created within the executive department of the State of Louisiana the Louisiana Educational Television Authority, which is hereby declared to be a body corporate and public, constituting an instrumentality of the State of Louisiana, exercising public and essential governmental functions.

B. The domicile of the Authority shall be in the City of Baton Rouge. The Authority may establish such other offices within the state as shall be deemed advisable by the Authority.

C. The power to establish policy to carry out the intent of this Chapter shall be vested in the members of the Authority, which shall consist of the governor, the state superintendent of education and the president of the Louisiana state board of education, or their designees, and eighteen persons selected as hereinafter provided:

1. Eight members shall be appointed by the governor, with the advice and consent of the Senate, one from each congressional district in the state.

2. One member shall be appointed by the governor from a panel of three names submitted by the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College.

3. One member shall be appointed by the governor from a panel of three names submitted by the Louisiana Coordinating Council for Higher Education.

4. One member shall be appointed by the governor from among the presidents, officers or deans of the then existing private colleges or universities in Louisiana.

5. One member shall be appointed by the governor from a panel of three names submitted by the board of directors of the Louisiana School Boards Association.

6. One member shall be appointed by the governor from among the then active teachers of the public elementary or secondary schools in Louisiana.

7. One member shall be appointed by the governor from a panel of three names submitted by the board of directors of the Louisiana Association of Broadcasters.

8. One member shall be appointed by the governor from a panel of three names submitted by the board of directors of the Louisiana Council for Music and Performing Arts, Inc.

9. One member to be appointed by the governor from a panel of three names submitted by the director of the State Department of Hospitals.

10. One member to be appointed by the governor from a panel of three names to be submitted by the Council for the Development of French in Louisiana.

11. One member to be appointed by the governor from the membership of the Louisiana AFL–CIO from a panel of three names to be submitted to him by the Louisiana AFL–CIO.

D. No person appointed directly by the governor (except that person appointed under Subsection (C) (6) of this section) or nominated by any of the nominating groups or individuals shall hold any other office of profit or trust under the United States, the State of Louisiana, or any political subdivision thereof, nor shall any member of the Authority have any financial interest in any facilities with which the Authority is authorized to deal.

E. The terms of members shall be overlapping to insure that ordinarily members will be replaced every two years.
Accordingly, initial terms shall be as follows:

(1) Serving initial terms of two years shall be the members appointed from the panels submitted by the Louisiana Coordinating Council for Higher Education, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Directors of the Louisiana School Boards Association, the Louisiana AFL–CIO, from the first and fifth congressional districts.

(2) Serving initial terms of four years shall be the members appointed by the panels submitted by the Board of Directors of the Louisiana Association of Broadcasters, the Board of Directors of the Louisiana Council for Music and Performing Arts, the Director of the State Department of Hospitals and the members appointed from the second, fourth and sixth congressional districts.

(3) Serving terms of six years shall be the members appointed from among the presidents, officers or deans of the then existing private colleges or universities in Louisiana, from among the then active teachers of the public elementary or secondary schools in Louisiana, the member from the Council for the Development of French in Louisiana and the members appointed from the third, seventh and eighth congressional districts.

Thereafter, all members shall serve terms of six years, or until their successors are duly appointed and qualified.

F. Vacancies occurring for any reason, including expiration of the term, shall be filled in the same manner as the original appointment; provided, however, that appointments to fill vacancies occurring during the term shall be for the unexpired portion of the term only.

G. Ten members shall constitute a quorum for the transaction of business.

H. The Authority shall employ a professionally qualified executive director to carry out the policies established by the Authority. The executive director shall employ such staff as is necessary to carry out the policies and directives of the Authority and to operate and administer the functions of the Authority. The compensation of the executive director shall be determined by the Authority, and he shall be in the unclassified service of the state.

Added by Acts 1971, No. 13, § 2.

§ 2504. Meetings; rules; officers; compensation

A. The Authority shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings and determinations.

B. The Authority shall meet at such times as provided by its rules, but not less than bimonthly.

C. The Authority shall elect a chairman, vice-chairman, secretary and a treasurer and such other officers as it shall determine. Officers shall serve for a term of one year, or until their successors are duly appointed and qualified.

D. Members of the Authority shall receive a per diem of twenty-five dollars for each day actually spent in the attendance at meetings of the Authority or in the performance of duties assigned by the Authority for specific projects, and shall be reimbursed for actual expenses while attending meetings and other Authority business. Such payments shall be made in accordance with state regulations.

Added by Acts 1971, No. 13, § 2.

§ 2505. Powers, duties and functions

To accomplish the purposes of this chapter and for the general welfare of education in Louisiana, the authority shall have the following powers, duties and functions:

1. Subject to the provisions of Subparagraphs (a), (b) and (c) of this subsection, the Authority shall have full responsibility and control over the preparation, content, coordination and programming of all programs.

(a). The State Department of Education shall have the sole responsibility for and control over the preparation, content and programming of all instructional television programs used to supplement elementary and secondary education curricula in the schools of the state and shall have priority as to scheduling of television programs during school hours.

(b). The State Department of Hospitals shall have the sole responsibility for and control over the preparation, coordination and programming of all medical instructional television programs.

(c). The State Board of Education and the Board of Supervisors of Louisiana State University, respectively, shall have the sole responsibility for and control over the coordination and programming of all instructional television programs used for granting college credits.

2. To designate the location of stations so as to utilize any presently unused channels and frequencies reserved by the Federal Communications Commission to Louisiana for noncommercial educational and public use.

3. To make rules and regulations to govern the operation of all stations licensed to the Authority and the programs televised and broadcast over such stations.

4. To own and operate television and radio stations utilizing noncommercial educational and public channels and to contract with nonprofit corporations, educational institutions and other governmental agencies for the operation of such stations.

5. To appoint a program director and an advisory board in each of the congressional districts of the state in which there is located an educational television station licensed to the Authority. The advisory board shall consist of not less than nine nor more than fifteen members. The member of the Authority for each congressional district shall serve as chairman of that district's advisory board, except that there shall be but one program director, one Advisory Board and one chairman for the fifth and eighth congressional districts.

6. To control programming for the entire state network and to preempt programming for all stations licensed to the Authority. The Authority shall provide in its rules for local option time for each station licensed to the Authority. Control of local programming during such local option time shall be vested in the advisory board for each station.

7. To request and to receive such state funds for public broadcasting construction and operation as may be appropriated or allocated to it, and to solicit and receive contributions, matching funds, gifts, bequests and devices from any source, including federal, state or local, public or private.

8. To enter into agreements with federal, state or local, public or private agencies, departments, institutions, firms, corporations, or persons for the production, transmission, sale, lease or purchase of public television and radio programs, and to lease antenna space on television and radio towers which are owned by or leased to the Authority.

9. To appoint advisory committees of any nature.

10. To initiate or receive for review and approval all applications for educational television and radio licenses submitted to the Federal Communications Commission for or on behalf of any public school system, junior college, institution of higher learning, or private educational institution.

11. To prescribe official state approved standards for appropriate television equipment which may be purchased by any public school, junior college, institution of higher learning, or municipal educational organization in order to insure a standard of quality and technical compatibility throughout the state.

12. To provide consultative services in all aspects of public television and radio to any agency, public or private, within the state.

13. To serve as a clearing house for information on television and radio for educational purposes.

14. The authority shall establish standards and specifications for the television equipment purchased or leased for use in any statewide television system by any public school boards, public schools, junior colleges, institutions of higher learning, and other public agencies, who shall all comply with said standards when purchasing or leasing television equipment for use in a statewide television system.

Added by Acts 1971, No. 13, § 2. Amended by Acts 1972, No. 758, § 1.

§ 2506. Political prohibitions; Federal Communications Commission Regulations

No station licensed to the Authority shall be used for, nor shall any network or local programs be devoted to, the presentation of biased or one-sided aspects of partisan politics, or to advocating or opposing any present or prospective political candidacy, or to advocating or opposing any legislation currently being considered or prepared. All stations licensed to the Authority must be used in compliance with the rules and regulations of the Federal Communications Commission.

Added by Acts 1971, No. 13, § 2.

CHAPTER 14. EDUCATIONAL TELEVISION FACILITIES

§§ 2751 to 2753. Repealed by Acts 1971, No. 13, § 3

Louisiana Educational Television Authority, see section 2501 et seq. of this title.

CHAPTER 317

EDUCATIONAL TELEVISION

Sec.
2601. Committee; expenses.
2602. —Organization; quorum.
2603. —Powers and duties.
2604. Gifts.
2605. Construction of state-wide network.
2606. Political and governmental activities prohibited; penalty.

§ 2601. Committee; expenses

An advisory Committee on Maine Public Broadcasting as heretofore created for the purpose of facilitating the development of public broadcasting in the State, shall consist of 7 members to be appointed by the Governor. At the time of the first appointments, one shall be appointed for one year, one for 2 years, one for 3 years, 2 for 4 years and 2 for 5 years, and thereafter for a full term of 5 years. One member of the committee shall be a representative of the State Department of Education, one member of the committee shall be a representative of the University of Maine and the remaining members shall be citizens of the State of Maine. Any vacancy in the membership of the committee shall be filled for the unexpired term by appointment by the Governor. Members of the committee shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

1971, c. 83, § 1; 1973, c. 174, § 1; 1975, c. 771, §§ 185, 186, eff. Jan. 4, 1977.

Amendments:

—1975. Chapter 771 deleted, from the end of the first and 4th sentences "with the advice and consent of the Council".

—1973. In first sentence, substituted "An Advisory" for "A".

—1971. Substituted "Maine Public Broadcasting" for "Educational Television" in committee's name and made corresponding change in committee's purpose.

Law Review Commentaries

Maine's Educational Television Network: Legal Difficulties. (1970) 22 Maine L.Rev. 239.

Library references: Schools and School Districts 🔑47; C.J.S. Schools and School Districts §§ 86-91.

Historical Note

Derivation: R.S.1954, c. 41, § 135-A, as enacted by 1963, c. 414, § 13.

Cross References

Mileage allowance of state officials, see § 7 of Title 5.

§ 2602. —Organization; quorum

The committee shall elect a chairman, secretary, vice-chairman and treasurer, each of whose terms of office shall be 2 years. The committee shall adopt such bylaws, rules and regulations for the calling and holding of meetings and the administration of its affairs, as it deems appropriate and necessary to effectuate the purposes of this chapter. A majority of the membership of the committee shall constitute a quorum for the purposes of transacting business.

1963, c. 414, § 13.

Historical Note

Derivation: R.S.1954, c. 41, § 135-B, as enacted by 1963, c. 414, § 13.

§ 2602. —Organization; quorum

Law Review Commentaries

Maine's Educational Television Network: Legal Difficulties. (1970) 22 Maine L.Rev. 239.

§ 2603.—Powers and duties

The Advisory Committee on Maine Public Broadcasting is empowered and authorized to act as follows:

1. **Recommendations.** To make such recommendations to the trustees of the University of Maine as it deems necessary relating to the appointment of professional, clerical or other assistants, location of public broadcasting stations and construction and equipment of said stations necessary to carry out the purposes of this chapter;

2. **Programs.** To give its advice to the trustees of the University of Maine for the public broadcasting programs to be transmitted by the network.

1971, c. 83, § 2; 1973, c. 174, §§ 2, 3.

Amendments:
—1973. In first sentence, inserted "Advisory".
Subsection 2: Deleted "and consent", following "advice".
—1971. Substituted "Maine Public Broadcasting" for "Educational Television" in committee's name and made corresponding changes throughout section.

Historical Note

Derivation: R.S.1954, c. 41, § 135–C, as enacted by 1963, c. 414, § 13.

Cross References

University of Maine, generally, see § 2251 et seq. of this Title.

§ 2604. Gifts

The Governor are[1] authorized to accept any gift of money, real or personal property, from any source whatsoever, and grants-in-aid from the Federal Government to assist in carrying out the purposes of this chapter.

1975, c. 771, § 187, eff. Jan. 4, 1977.

[1] Should now read "is".

Amendments:
—1975. Chapter 771 deleted "and Council" following "The Governor".

Law Review Commentaries
Maine's Educational Television Network: Legal Difficulties. (1970) 22 Maine L.Rev. 239.

Historical Note

Derivation: R.S.1954, c. 41, § 135–D, as enacted by 1963, c. 414, § 13.

Cross References

Federal aid, see §§ 2701 et seq., 3051 et seq. of this Title.

§ 2605. Construction of state-wide network

The University of Maine is authorized to acquire real estate, construct, operate, manage and equip radio, transmission and microwave television facilities and to interconnect with any other radio or television network or station within or without this State for the purpose of providing a statewide public broadcasting network for the transmission of public broadcasting to pupils in the schools, colleges, university and adult audiences throughout the State; and the University of Maine is authorized to enter into contracts for the construction of said facilities, contracts for personal services necessary for the management and operation of said facilities and any other contracts deemed necessary to carry out the purposes of this chapter.

1971, c. 83, § 3.

Amendments:
—1971. Added references to "radio" and substituted "public broadcasting" for "educational television".

Historical Note

Derivation: R.S.1954, c. 41, § 135–E, as enacted by 1963, c. 414, § 13.

Cross References

University of Maine generally, see § 2251 et seq. of this Title.

§ 2606. Repealed. 1971, c. 544, § 65

1. Constitutionality
This section violates the supremacy clause of the Federal Constitution in that it would be impossible for operator of educational television system to obey rigid censoring requirements of this section and at same time satisfy federal licensing requirement that programs be shown which are in the public interest. State v. University of Maine (1970) Me., 266 A.2d 862.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN
HUNDRED SIXTY-ONE

Private and Special Law
Chapter 247

AN ACT Providing for Construction of a Public Broadcasting Network for the State of Maine and the Issuance of not Exceeding One Million Five Hundred Thousand Dollars of State of Maine Bonds for the Financing thereof.

PREAMBLE. Two-thirds of both Houses of the Legislature deeming it necessary in accordance with Section 14 of Article IX of the Constitution of Maine to authorize the issuance of bonds of the State for construction of a public broadcasting network for the State of Maine.

Be it enacted by the People of the State of Maine, as follows:

SEC. I COMMITTEE ON PUBLIC BROADCASTING. There is created an Advisory Committee on Public Broadcasting for the purpose of facilitating the development of Public Broadcasting in this State. The Advisory Committee on Public Broadcasting shall consist of 7 members to be appointed by the Governor with the advice and consent of the Council. At the time of the first appointments, one shall be appointed for one year, one for 2 years, one for 3 years, 2 for 4 years and 2 for 5 years, and thereafter for a full term of 5 years. One member of the committee shall be a representative of the State Department of Education, one member of the committee shall be a representative of the University of Maine and the remaining members shall be citizens of the State of Maine. Any vacancy in the membership of the committee shall be filled for the unexpired terms by appointment by the Governor with the advice and consent of the Council. Members of the committee shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

SEC. 2 ORGANIZATION. The committee shall elect a chairman, secretary, vice-chairman, and treasurer, each of whose terms of office shall be 2 years. The committee shall adopt such by-laws, rules and regulations, for the calling and holding of meetings and the administration of its affairs, as it deems appropriate and necessary to effectuate the purposes of this act. A majority of the membership of the committee shall constitute a quorum for the purposes of transacting business.

SEC. 3 POWERS AND DUTIES. The Advisory Committee on Public Broadcasting is empowered and authorized to act as follows.

I. RECOMMENDATIONS. To make such recommendations to the trustees to the University of Maine as it deems necessary relating to the appointment of professional, clerical and other assistants, location of public broadcasting stations and construction and equipment of said stations necessary to carry out the purposes of this act.

II. PROGRAMS. To give its advice to the trustees of the University of Maine for the public broadcasting programs to be transmitted by the network.

SEC. 3-A GIFTS The Governor and Council is authorized to accept any gift of money, real or personal property, from any source whatsoever, and grants-in-aid from the Federal Government to assist in carrying out the purposes of this act.

SEC. 4 CONSTRUCTION OF STATEWIDE PUBLIC BROADCASTING NETWORK. The University of Maine is authorized to acquire real estate, contruct, operate, manage and equip transmission and microwave facilities and to interconnect with any other network or station within or without this State for the purpose of providing a statewide public broadcasting network for the transmission of public broadcasting to pupils in the schools, colleges, university and adult audiences throughout the State, and the University of Maine is authorized to enter into contracts for the construction of said facilities, contracts for personal services necessary for the management and operation of said facilities and any other contracts deemed necessary to carry out the purposes of the act.

SEC. 5 PROMOTION OF POLITICAL AND GOVERNMENTAL ACTIVITIES PROHIBITED; PENALTY FOR VIOLATION. (Deleted by action of the Maine Supreme Court (1970) as in conflict with federal broadcast legislation and regulations.)

SEC. 6 DISBURSEMENT OF BOND PROCEEDS. The proceeds of the bonds authorized under this act shall be expended under the direction and supervision of the Director of the Bureau of Public Improvements in the following amounts: For statewide transmission and microwave facilities -- $1,039,028; for microwave interconnection with Eastern Educational Network, Boston -- $60,000; for studio facilities in Orono -- $250,000; to provide for increased costs of equipment since 1960 report -- $50,000; for organizational and operations costs, July 1, 1962 to June 30, 1963 -- $100,972. Total appropriation -- $1,500,000,00.

Such appropriation shall not lapse, but shall remain a continuing carrying account until the purposes of this act have been accomplished.

SEC. 7 ISSUE OF BONDS TO PROVIDE FOR CONSTRUCTION, REPAIRS, EQUIPMENT, SUPPLIES, FURNISHINGS, ORGANIZATION AND MANAGEMENT. The Treasurer of the State is authorized, under the direction of the Governor and Council, to issue from time to time serial coupon bonds in the name and behalf of the State to an amount not exceeding $1,500,000 for the purpose of raising funds to provide for such construction, repairs, equipment, supplies, furnishings, organization and management as authorized by this act. Said bonds shall be deemed a pledge of the faith and credit of the State. Said bonds shall not run for a longer period than 10 years from the date of the original issue thereof.

SEC. 8 RECORDS OF BONDS ISSUED TO BE KEPT BY STATE AUDITOR AND TREASURER. The State Auditor shall keep an account of such bonds, showing the number and amount of each, the date of countersigning, the date when payable and the date of delivery thereof to the Treasurer of State, who shall keep an account of each bond, showing number thereof, the name of the person to whom sold, the amount received for the same, the date of sale and the date when payable.

SEC. 9 SALE, HOW NEGOTIATED; PROCEEDS APPROPRIATED. The Treasurer of State may negotiate the sale of such bonds by direction of the Governor and Council; but no such bond shall be loaned, pledged or hypothecated in behalf of the State. The proceeds of the sales of such bonds, which shall be held by the Treasurer of State and paid by him upon warrants drawn by the Governor and Council, are appropriated to be used solely for the purposes set forth in this act.

SEC. 10 INTEREST AND DEBT RETIREMENT. Interest due or accruing upon any bonds issued under this act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State from any money in the treasury not otherwise appropriated.

SEC. 11 CONTINGENT UPON RATIFICATION OF BOND ISSUE. Sections 1 to 10 of this act shall not become effective unless and until the people of the State of Maine shall have ratified the issuance of bonds as set forth in this act.

SEC. 12 REFERENDUM FOR RATIFICATION. The aldermen of cities, the selectment of towns, and the assessors of the several plantationsof this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives, at a special election to be held on the 3rd Monday of June, 1962, to give in their votes upon the acceptance or rejection of the foregoing act, and the questions shall be:

"Shall a bond issue be ratified for the purposes set forth in 'An Act Providing for Construction of a Public Broadcasting Network for the State of Maine and the Issuance of not Exceeding One Million Five Hundred Thousand Dollars of State of Maine Bonds for the Financing thereof,' passed by the First Special Session of the 100th Legislature?"

The inhabitants of said cities, towns and plantations shall indicate by a cross or check mark placed within a square upon their ballots their opinion of the same, those in favor of ratification voting "Yes" and those opposed to ratification voting "No" and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and return made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor and Council shall count the same and if it shall appear that a majority of the inhabitants voting on the question are in favor of this act, the Governor shall forthwith make known the fact by his proclamation, and this act shall thereupon become effective 30 days after the date of said proclamation.

SECRETARY OF STATE SHALL PREPARE BALLOTS. The Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing act, accompanied by a copy thereof.

IN HOUSE OF REPRESENTATIVES........December 1, 1961

Read three times and passed to be enacted.

........Vinal G. Good........Speaker

IN SENATE...December 1, 1961.....

Read twice and passed to be enacted.

........Earle M. Hillman........President

Approved..December 2, 1961

........John H. Reed........Governor

FOOTNOTE: This legislation passed by the 100th Maine Legislature (1961) and ratified in bond issue referendum (1962) was originally known as "An Act Providing for Construction of an Educational Television Network for the State of Maine and the Issuance of not Exceeding One Million Five Hundred Thousand Dollars of State of Maine Bonds for the Financing thereof." This Act has been amended three times since 1961. The first amendment deleted Section 5 ("Promotion of Political and Governmental Activities Prohibited; Penalty for Violation") by action of the Maine Supreme Court (1970) in the case State of Maine vs. University of Maine. The Court found the section in conflict with federal broadcast legislation and regulation. The second amendment was enacted by the 105th Legislature (1971) and updated the language of the Act by changing all reference from "educational television" to "public broadcasting." The third amendment was enacted by the 106th Legislature (1973) which clarified the role of the Committee on Public Broadcasting as "advisory" to the Board of Trustees of the University of Maine.

Therefore, the above language takes into consideration all official amendments or clarifications to the Act since its original enactment in 1961.

Subtitle 2. Maryland Public Broadcasting Commission.

§ 24-201. Commission established.

There is a Maryland Public Broadcasting Commission. (An. Code 1957, art. 77, § 161; 1978, ch. 22, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from the first clause of the first sentence of former Article 77, § 161 (a).

It has been set forth as a separate section for emphasis.

§ 24-202. Composition; term; vacancies; compensation.

(a) *Composition.* -- The Maryland Public Broadcasting Commission consists of 11 members appointed by the Governor.

(b) *Qualifications.* — (1) Each member of the Commission shall be a resident of this State.

(2) The members shall be broadly representative of this State as a whole and shall include individuals skilled in:

(i) Public or private elementary, secondary, or higher education;

(ii) Art, music, or drama;

(iii) Radio and television;

(iv) Libraries; and

(v) Any other field that the Governor considers appropriate for the Commission.

(3) The Commission shall include two members nominated by the State Board of Education.

(4) The State Superintendent of Schools shall serve ex officio.

(c) *Term and vacancies.* — (1) Each appointed member of the Commission serves for a term of 5 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on the Commission as of July 1, 1978.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(3) A member may be reappointed.

(d) *Compensation.* — Each member of the Commission:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses in accordance with the standard State travel regulations. (An. Code 1957, art. 77, § 161; 1978, ch. 22, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Article 77, § 161 (b) — except the second sentence of (b) (1).

The reference to the terms of the initial appointees has been deleted as obsolete.

The terms of the members serving on July 1, 1978 expire as follows: two in 1979, four in 1980, three in 1981, and two in 1982.

§ 24-203. Chairman and vice-chairman; meetings.

(a) *Chairman and vice-chairman.* — The Governor shall designate from among the members of the Commission a chairman and a vice-chairman.

(b) *Meetings.* — The board [Commission] shall determine the time and place of its meetings and may adopt rules for the conduct of its meetings. (An. Code 1957, art. 77, § 161; 1978, ch. 22, § 2.)

REVISOR'S NOTE

Subsection (a) of this section formerly appeared as the second sentence of Article 77, § 161 (b) (1).

Subsection (b) of this section is new language added to conform to similar provisions elsewhere in this article.

The only changes are in style.

§ 24-204. Budget and staff.

(a) *Budget.* — (1) The Commission and the State Board of Education annually shall each prepare a budget request to provide funds to perform their duties under this subtitle.

(2) The Commission may receive and spend any grant or gift budgeted or provided for it.

(b) *Staff.* — (1) The Commission shall have the staff provided in the State budget.

(2) The secretarial, stenographic, clerical, and custodial employees of the Commission are members of the classified service under Article 64A of the Code.

(3) All other employees of the Commission are in the State service but not in the classified service. (An. Code 1957, art. 77, § 161; 1978, ch. 22, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from the second sentence of former Article 77, § 161 (a), the last sentence of (c), and former Article 77, § 161 (f) and (g).

§ 24-205. Responsibility for broadcasting.

(a) *In general.* — The Commission shall operate a system of State, regional, and local facilities to provide educational and cultural radio and television programs in this State.

(b) *Responsibility for programs used in public schools.* — The State Board of Education:

(1) Is responsible for and shall control the preparation, content, and programming of all educational television and radio programs used in the public schools and adult education programs of this State; and

(2) Has priority as to scheduling of television and radio programs during school hours.

(c) *Responsibility for programs for general public.* — Subject to the provisions of subsection (b) of this section the Commission is responsible for and shall control the preparation, content, and programming of all its programs for the general public. (An. Code 1957, art. 77, § 161; 1978, ch. 22, § 2.)

REVISOR'S NOTE

This section formerly appeared as the second clause of the first sentence of Article 77, § 161 (a) and the first sentence of (c), and Article 77, § 161 (d).

The only changes are in style.

§ 24-206. Fairness and legality of operation.

(a) *Fairness.* — The facilities of the Commission may not be used for, and the programs may not be devoted to:

(1) Presenting biased or one-sided aspects of partisan politics;

(2) Advocating or opposing any present or prospective political candidacy; or

(3) Advocating or opposing any legislation currently being considered or prepared.

(b) *Legality.* — Each facility shall be used in compliance with the rules and regulations of the Federal Communications Commission. (An. Code 1957, art. 77, § 161; 1978, ch. 22, § 2.)

REVISOR'S NOTE

This section formerly appeared as Article 77, § 161 (e).

The only changes are in style.

MASSACHUSETTS EDUCATIONAL COMMUNICATIONS COMMISSION

Caption editorially supplied

§ 158. Establishment; membership; appointment; terms; duties and powers; personnel; facilities; programming

There shall be a Massachusetts educational communications commission, consisting of fourteen members to be appointed by the governor, of whom one shall be a member of the board of education, one shall be a member of the board of higher education, one shall be a member of the Lowell Broadcasting Council, one shall be a member of the board of trustees of the University of Massachusetts; one shall be a professional representative active in the field of public health, one shall be a professional representative active in the field of mental health, and one shall be a representative of private elementary and secondary education.

In making his original appointments to said commission, the governor shall appoint four members for terms of one year; five members for terms of two years; and five members for terms of three years. Upon the expiration of the term of any member, his successor shall be appointed for a term of three years.

The commission shall provide leadership, determine general policy and review standards regarding educational communications, provide coordination on matters relating to educational communications between the various agencies of the commonwealth and all facets of education, coordinate and supervise the distribution of federal capital equipment funds under the provisions of the Public Broadcasting Act of 1967, establish equipment compatibility policies, establish, operate and schedule an educational television network for the commonwealth, determine the method of interconnection to be employed, hold title to all future broadcast licenses and 2500 mc or other licenses and equipment on behalf of the commonwealth forming a part of its basic educational television system, review the television budgets of all state agencies annually and make recommendations to the general court regarding them, study the need and feasibility of expanding the television network so as to service the other communications needs of the various state agencies, by connecting computers, data processing equipment, and other related matters, and to formulate a long-term program to enable all appropriate buildings within the commonwealth to be ultimately equipped for use of the communications network.

The commission shall have the following powers: On behalf of the commonwealth it may apply for and receive broadcast and other licenses from the federal communications commission, receive gifts and grants, enter into contracts, lease as well as purchase, receive, distribute and expend state and federal funds subject to appropriations, approve all commonwealth expenditures regarding educational communications equipment and facilities to insure compatibility, originate programming of its own in addition to that of the member agencies, when deemed appropriate by the commission in the larger public interest, lease network facilities to private educational institutions which may wish to interconnect for privately-originated programming, and to erect and maintain the transmissions and interconnections facilities if the system is to be state built and operated, or to lease from a private source.

The commission may appoint an executive director and such other professional and nonprofessional personnel as it deems necessary.

The commission shall operate television studios in the Health, Education and Welfare building or in any other available facilities, producing programs for authorized state agencies at the cost only of equipment time. Said studios shall be designed and equipped with particular reference to the anticipated programming of the state agencies. Each agency of state government shall operate as its own program agency, employing the network's television facilities to meet its individual purposes. Prospective programming agencies shall apply to the commission for authorization as duly designated bodies qualified to make use of network facilities.

Each user of the network shall have the option of having its programs produced by any production facility, even those not a part of the network, with which it wishes to contract.

Added by St.1968, c. 770, § 1.

Historical Note

St.1968, c. 770, § 1, was approved July 25, 1968.

Cross References

Community antenna television systems, see c. 166A, § 1 et seq.
Supervision of commission by governor, see § 17 of this chapter.

Library References

Telecommunications ⇐5.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 81, 90, 298.

Section 13 of this chapter providing that the offering of course not included in regular high school curriculum may be compelled by parental mandate is not in conflict with this section providing that driver education may be incorporated as phase of safety education program in high school; the school committee may decide in its discretion to offer driver education and, if it decides not to offer such a course, the offering of the course may be compelled if conditions of statute authorizing parental mandate are satisfied. Id.

§ 13E. Repealed by St.1972, c. 215, § 2

St.1972, c. 215, § 2, repealing this section, was approved April 27, 1972. See, now, section 13 of this chapter.

§ 13F. Broadcast and television facilities; cost of program; executive committee for educational television

The course of study in elementary and high schools may include instruction by means of educational programs broadcast through the facilities of television stations. The cost of such programs may be shared by cities and towns within viewing range of such television stations and the school committee of each such city or town may include within its budget such funds not to exceed one dollar per pupil enrolled in public elementary and high schools in such city or town, for the payment thereof as it may deem advisable. The state treasurer shall annually, on or before November twentieth, reimburse each city or town which has shared the cost of such programs, as evidenced by the written agreement of each such city or town with the executive committee for educational television, a sum equal to fifty per cent of the total share paid by such city or town for the then current fiscal year. Said reimbursement shall be subject to appropriation and shall not exceed a total reimbursement to the several such cities or towns of more than two hundred and fifty thousand dollars. Other educational agencies may participate in this program by a financial contribution. The board of education, with the advice of the commissioner, shall appoint a committee to co-ordinate and administer such programs. Said committee shall be known as the executive committee for educational television, in this section and sections thirteen G to thirteen I, inclusive, called the committee. The committee shall consist of twelve members, of whom at least seven shall be representatives of contributing school systems. As the term of office of a member expires his successor shall be appointed in like manner for a term of four years. The members of the committee shall serve without compensation, except that they may be reimbursed for their necessary expenses actually incurred in the performance of their duties.

Amended by St.1971 c. 1115.

1971 Amendment. St. 1971, c. 1115, approved Nov. 16, 1971, inserted the third and fourth sentences.

1. In general

Executive Committee for Educational Television may not expend money in the educational program fund, purchase or dispose of personal property, or lease real property, without approval of the Board of Education. Op.Atty.Gen. April 6, 1967, p. 190.

§ 13G. Executive committee for educational television; rules and regulations; personnel

1. In general

Executive Committee for Educational Television may not expend money in the educational program fund, purchase or dispose of personal property, or lease real property, without approval of the Board of Education. Op.Atty.Gen. April 6, 1967, p. 190.

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§ 14. Committee

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§ 14B. Regional

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§ 13H. Educational television program fund; accounts and reports

1. In general

Executive Committee for Educational Television may not expend money in the educational program fund, purchase or dispose of personal property, or lease real property, without approval of the Board of Education. Op.Atty.Gen. April 6, 1967, p. 190.

Executive Committee for Educational Television may not expend money in the educational program fund, purchase or dispose of personal property, or lease real property, without approval of the Board of Education. Id.

Although the Executive Committee for Educational Television must obtain approval by the Board of Education of expenditures from the educational television program fund, the Board of Education may itself neither make nor compel any expenditures therefrom, since this section designates the Executive Committee as the trustee of the fund and authorizes only the Committee to make such expenditures. Id.

Although this section does not expressly state that only the executive committee for educational television may spend money in the educational television program fund, in the absence of provisions giving any other person or body power to make such expenditures, this power is vested in the committee and not in any other state agency. Op. Atty.Gen. Dec. 30, 1966, p. 124.

Executive committee for educational television must keep accounts required to be kept by order of the comptroller under c. 7, § 16 et seq., and such accounts are subject to audit under c. 11, § 12, in addition to the annual accounting required by this section. Id.

§ 13*I*. Executive committee for educational television; powers and duties

1. In general

Although the Executive Committee for Educational Television must obtain approval by the Board of Education of expenditures from the educational television program fund, the Board of Education may itself neither make nor compel any expenditures therefrom, since section 13H of this chapter designates the Executive Committee as the trustee of the fund and authorizes only the Committee to make such expenditures. Op.Atty.Gen. April 6, 1967, p. 190.

Executive committee for educational television may lease property to other parties under the authority of this section. Op. Atty.Gen. Dec. 30, 1966, p. 124.

This section confers plenary power upon the executive committee for educational television directly to purchase and dispose of personal property in carrying out its duties, but such property is the property of the commonwealth and under c. 29, § 30, may not be insured by the committee in the absence of special authority of law. Id.

Professional employees of the executive committee for educational television are not exempted by statute from the operation and classifications of the civil service laws; such employees are subject to the salary schedules of c. 30, § 46, and to classification by the director under c. 30, § 45; the committee lacks authority to set the level of compensation for its professional employees. Id.

REGIONAL SCHOOL DISTRICT PLANNING BOARD

§ 14. Committee; creation; membership

1. In general

State law which permitted municipalities comprising a regional school district to decide whether members of governing school committee would be selected by appointment, election or a combination of both was not unconstitutional; fact that some school districts opted for selecting district committees by election did not deprive citizens who voted to enter into agreement providing for appointment of governing committee of equal protection of law. Burton v. Whittier Regional Vocational Technical School Dist. (C.A.1978) 587 F.2d 66.

§ 14B. Regional school districts; formation; procedure

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3. Agreements

Regional school district agreement requiring committee to maintain and operate elementary schools in each of the member

ACCEPTANCE OF FEDERAL FUNDS FOR EDUCATIONAL TELEVISION

Cross References

Grants for educational television broadcasting facilities, see 47 U.S.C.A. § 390 et seq.

National defense education act, see 20 U.S.C.A. § 401 et seq.

P.A.1966, No. 153, Imd. Eff. July 1

AN ACT to authorize the state board of education to accept federal funds under the provisions of the television broadcasting facilities act of 1962, and under Title VII of the national defense education act of 1958, as amended; to make an appropriation and to provide for the expenditure of such funds.

The People of the State of Michigan enact:

388.1041 State board of education; acceptance and expenditure of federal funds for educational television

Sec. 1. The state board of education may take any necessary action consistent with state law to comply with the provisions of Public Law 447 of the 87th Congress, known as the "television broadcasting facilities act of 1962,"[1] and with the provisions of Title VII of Public Law 864 of the 85th Congress, as amended, known as the "national defense education act of 1958,"[2] and may accept and expend federal funds available under these laws.

[1] 47 U.S.C.A. § 391 et seq.

[2] 20 U.S.C.A. § 541 et seq.

Historical Note

Source:

P.A.1966, No. 153, § 1, Imd. Eff. July 1.

C.L.1948, § 388.1041.

Library References

Licenses ⇨38.

Schools and School Districts ⇨17.

C.J.S. Licenses §§ 43, 44.

C.J.S. Schools and School Districts § 18.

388.1042 Construction of act; payment of funds

Sec. 2. This act shall not be construed as authorization to expend or to incur any obligation to expend any state funds in excess of any amount which may be appropriated for such purpose by the legislature. Any funds appropriated shall be paid out of the state treasury in accordance with state accounting procedures necessary to assure proper distribution of and accounting for federal funds paid to the state.

Historical Note

Source:

P.A.1966, No. 153, § 2, Imd. Eff. July 1.

C.L.1948, § 388.1042.

Library References

Schools and School Districts ⇨19(1).

C.J.S. Schools and School Districts §§ 19, 21.

388.1043 Advisory committee for development of educational television system; appointment

Sec. 3. The state board of education may appoint an advisory committee to conduct studies relating to the development of an educational television system in the state with particular emphasis on a complete engineering study of the feasibility of a multichannel broadcasting system for instruction, materials distribution and administrative data handling.

Historical Note

Source:

P.A.1966, No. 153, § 3, Imd. Eff. July 1.
C.L.1948, § 388.1043.

Library References

Schools and School Districts ⇐47.
C.J.S. Schools and School Districts §§ 86 to 91.

388.1044 Feasibility study; appropriation

Sec. 4. There is hereby appropriated to the state board of education $50,000.00 from the general fund for the fiscal year ending June 30, 1967, to conduct such a feasibility study in conjunction with federal funds as might be available.

Historical Note

Source:

P.A.1966, No. 153, § 4, Imd. Eff. July 1.
C.L.1948, § 388.1044.

Library References

Schools and School Districts ⇐93.
C.J.S. Schools and School Districts §§ 326, 339 to 343.

388.1045 Same; report; expenditure of funds

Sec. 5. A report on the feasibility study shall be presented to the legislature by March 1, 1967. No funds, federal or state, shall be expended to implement recommendations of the feasibility study until specifically authorized by legislative act.

Historical Note

Source:

P.A.1966, No. 153, § 5, Imd. Eff. July 1.
C.L.1948, § 388.1045.

136.146 Bemidji state university; educational television

Subdivision 1. The state university board may establish or may carry on educational television and telecommunication projects at Bemidji state university, and may make facilities available to public or private non-profit organizations.

Subd. 2. The state university board may cooperate with public and private educational television systems, and other civic, cultural and educational agencies and organizations, nonprofit in nature, and may enter into contracts necessary therefor.

Laws 1973, c. 408, § 1. Amended by Laws 1975, c. 321, § 2.

Historical Note

Laws 1975, c. 321 substituted state universities for state colleges and state university board for state college board.

139.16 Public television grants; purpose

The purpose of sections 139.16 to 139.18 is to facilitate the use of public television as a community resource for the public by providing financial assistance to public television stations serving Minnesota citizens, and to provide for cooperation between public television station officials and the board of the arts.

Laws 1975, c. 271, § 6; Laws 1975, c. 298, § 5; Laws 1976, c. 201, § 1.

Library References

States 🔑123.

C.J.S. States § 226.

139.17 Definitions

Subdivision 1. As used in sections 139.16 to 139.18, the terms defined in this section have the meanings here given them.

Subd. 2. "Public station" means a licensee of the federal communications commission as a noncommercial educational television broadcast station within or without the state serving a significant segment of the population of this state.

Laws 1976, c. 201, § 2.

139.18 Grants

Subdivision 1. The board of the arts shall distribute the funds provided by sections 139.16 to 139.18. Twice annually the board of the arts shall make grants to public stations for the acquisition and production of materials and broadcast transmission costs. The board of the arts shall allocate funds appropriated for the purposes of sections 139.16 to 139.18 in such a manner that each eligible public station receives an equal amount, except that no station's grant in any fiscal year shall exceed the amount of Minnesota based contributions received by that station in the previous fiscal year.

Subd. 2. In calculating the amount of contributions received by a public station pursuant to subdivision 1, there shall be excluded: contributions, whether monetary or in kind, from the corporation for public broadcasting; tax generated funds, including payments by public or private elementary and secondary schools; that portion of any foundation or corporation donation in excess of $250 from any one contributor in a calendar year; contributions from any source if made for the purpose of capital expenditures; and contributions from all sources based outside the state.

Subd. 3. Each educational station receiving a grant shall annually report by July 1 to the board of the arts the purposes for which the funds were used in the past fiscal year and the anticipated use of the funds in the next fiscal year. The report shall be certified by an independent auditor or a certified public accountant. If the report is not submitted by September 1, the board of the arts may withhold from the educational station 45 percent of the amount to which it was entitled based upon the contribution of the previous fiscal year, and may redistribute those funds to other educational stations.

Subd. 4. In designating the board of the arts as the administrative agency to distribute these funds, the legislature recognizes that this is strictly an administrative function unrelated to the artistic and cultural mandate of the board. In future years, the board may develop program categories and funding programs in television, film and other public media, which shall not be limited, prohibited or otherwise affected by the board's serving the specific administrative functions under the terms of sections 139.16 to 139.18.

Laws 1975, c. 271, § 6; 1975, c. 298, § 5; Laws 1976, c. 201, § 3. Amended by Laws 1977, c. 445, §§ 1, 2; Laws 1978, c. 793, § 65, eff. April 6, 1978.

Historical Note

The 1977 amendment revised subds. 1 and 2 which formerly provided:

"Subdivision 1. The state arts board shall distribute the funds provided by Laws 1976, Chapter 201. Twice annually the state arts board shall make grants for the acquisition and production of materials and broadcast transmission costs to educational stations to the extent and in the amount the educational station matches Minnesota based contributions, on a dollar for dollar basis.

"Subd. 2. In calculating the amount of contributions that must be matched by a public station pursuant to subdivision 1, contributions, whether monetary or in kind, from the corporation for public broadcasting, from tax generated public or private elementary and secondary schools, and from all sources based outside the state shall be excluded. The state arts board shall make payments in such a manner that eligible public stations receive as equal an amount as consistent with this section. No payments shall be made to a public station located in the counties to Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington."

The 1978 amendment revised subd. 2 which formerly read:

"In calculating the amount of contributions received by a public station pursuant to subdivision 1, there shall be excluded: contributions, whether monetary or in kind, from the corporation for public broadcasting; tax generated funds, including payments by public or private elementary and secondary schools; foundation and corporation donations; contributions from any source if made for the purpose of capital expenditures; and contributions from all sources based outside the state."

Sec. 18. Minnesota Statutes 1978, Section 139.17, Subdivision 2, is amended to read:

Subd. 2. "Public station" means a licensee of the federal communications commission as a noncommercial educational television broadcast station within (OR WITHOUT THE STATE SERVING A SIGNIFICANT SEGMENT OF THE POPULATION OF) this state *or a station outside the state which received funds under section 139.18 in 1976.*

Sec. 19. Minnesota Statutes 1978, Section 139.18, Subdivision 1, is amended to read:

139.18 [GRANTS.] Subdivision 1. The board of the arts shall distribute the funds provided by sections 139.16 to 139.18. Twice annually the board of the arts shall make *block* grants *which shall be distributed in equal amounts* to public stations for (THE ACQUISITION AND PRODUCTION OF MATERIALS AND BROADCAST TRANSMISSION) *operational* costs. The board of the arts shall allocate funds appropriated for the purposes of sections 139.16 to 139.18 in such a manner that each eligible public station receives (AN EQUAL AMOUNT, EXCEPT THAT) *a block grant. In addition, the board of the arts shall make matching grants to public stations. Matching grants shall be used for operational costs and shall be allocated using the procedure developed for distribution of state money under this section for grants made in fiscal year 1979.* No station's *matching* grant in any fiscal year shall exceed the amount of Minnesota based contributions received by that station in the previous fiscal year.

Sec. 20. Minnesota Statutes 1978, Section 139.18, Subdivision 2, is amended to read:

Subd. 2. In calculating the amount of contributions received by a public station pursuant to subdivision 1, there shall be excluded: contributions, whether monetary or in kind, from the corporation for public broadcasting; tax generated funds, including payments by public or private elementary and secondary schools; that portion of any foundation or corporation donation in excess of ($250) *$500* from any one contributor in a calendar year; contributions from any source if made for the purpose of capital expenditures; and contributions from all sources based outside the state.

Sec. 21. [139.19] [GENERAL NONCOMMERCIAL RADIO STATION GRANTS.] *Subdivision 1.* [PURPOSE.] *The purposes of this section are to facilitate the use of the noncommercial radio station as a community resource by providing financial assistance to noncommercial radio stations serving Minnesota citizens.*

Subd. 2. [DEFINITIONS.] *As used in this section, the terms defined in this subdivision have the meanings given them.*

(a) "Corporation for Public Broadcasting" means the nonprofit organization established pursuant to 47 U.S.C. 396.

(b) "Federal Communications Commission" means the federal agency established pursuant to 47 U.S.C. 151.

(c) "Noncommercial radio station" means a station holding a license or operating under program test authority from the Federal Communications Commission as a noncommercial educational radio station, licensed to a community within the state and serving a segment of the population of the state.

(d) "Operating income" may include:

(1) individual and other community contributions;

(2) all grants received from the Corporation for Public Broadcasting;

(3) grants received from foundations, corporations, or federal, state, or local agencies or other sources for the purpose of programming or general operating support;

(4) interest income;

(5) earned income;

(6) employee salaries paid through the federal Comprehensive Employment Training Act, or other similar public employ-

ment programs, provided that only salary expended for employee duties directly relating to radio station operations shall be counted;

(7) employee salaries paid through supporting educational institutions, provided that only salary expended for employee duties directly relating to radio station operations shall be counted;

(8) direct operating costs provided by supporting educational institutions; and

(9) no more than $15,000 in volunteer time calculated at the federal minimum wage.

The following are specifically excluded in determining a station's operating income:

(1) dollar representations in in-kind assistance from any source except as stipulated in clauses (8) and (9) above;

(2) grants or contributions from any source for the purpose of purchasing capital improvements or equipment; and

(3) noncommercial radio station grants received in the previous fiscal year pursuant to this section.

Subd. 3. [STATION ELIGIBILITY.] To qualify for a grant under this section, a noncommercial radio station shall:

(a) Hold a valid noncommercial educational radio station license or program test authority from the Federal Communications Commission;

(b) Have facilities adequate to provide local program production and origination;

(c) Employ a minimum of two full time professional radio staff persons or the equivalent in part-time staff and agree to employ a minimum of two full time professional radio staff persons or the equivalent in part-time staff throughout the fiscal year of the grant;

(d) Maintain a minimum daily broadcasting schedule of (1) the maximum allowed by its Federal Communications Commission license or (2) 12 hours a day during the first year of eligibility for state assistance, 15 hours a day during the second year of eligibility and 18 hours a day during the third and following years of eligibility;

(e) Broadcast 365 days a year or the maximum number of days allowed by its Federal Communications Commission license;

(f) Have a daily broadcast schedule devoted primarily to programming that serves ascertained community needs of an educational, informational or cultural nature within its primary signal area; however, a program schedule of a main channel carrier designed to further the principles of one or more particular religious philosophies or including 25 percent or more religious programming on a broadcast day does not meet this criterion, nor does a program schedule of a subsidiary channel carrier designed primarily for in school or professional in-service audiences;

(g) Originate significant, locally produced programming designed to serve its community of license;

(h) Have a total annual operating income and budget of at least $50,000;

(i) Have either a board of directors representing the community or a community advisory board that conducts advisory board meetings that are open to the public;

(j) Have a board of directors that: (1) holds the portion of any meeting relating to the management or operation of the radio station open to the public and (2) permits any person to attend any meeting of the board without requiring a person, as a condition to attendance at the meeting, to register the person's name or to provide any other information; and

(k) Have met the criteria in clauses (a) through (j) for six months before it is eligible for state assistance under this section.

The board of the arts shall accept the judgment of a Corporation for Public Broadcasting accepted audit when it is available on a station's eligibility for assistance under the criteria of this subdivision. If the applicant station is not qualified for assistance from the Corporation for Public Broadcasting, an independent audit is required.

Subd. 4. **[APPLICATION.]** *To be eligible for a grant under this section, a station shall submit an application to the board of the arts within the deadline prescribed by the board. It shall also submit, within the deadline prescribed by the board, its audited financial records for the fiscal year preceding the year for which the grant will be made.*

Subd. 5. **[GRANTS.]** *(a) The board of the arts shall determine eligibility for grants and the allocation of grant funds on the basis of audited financial records for the applicant station's fiscal year preceding the year in which the grant is made, as well as on the basis of the other requirements set forth in this section. The board shall annually distribute grants to all stations that comply with the eligibility requirements and apply for a* *grant. The board of the arts may promulgate rules to implement this section. For this purpose the board of the arts may promulgate temporary rules pursuant to Minnesota Statutes, Section 15.0412, Subdivision 5. An applicant's share of the grant money shall be based on:*

(1) The amount received in the preceding year by the station in private non-tax generated contributions from sources within the state; no contributions made for the purpose of capital expenditures shall be counted; and

(2) The dollar value in the preceding year of contributions of volunteer time to station operations, provided that the volunteer time was not used for the purpose of raising money for the station. Volunteer time shall be valued at the federal minimum wage per hour. A station's total allocation for volunteer time shall not exceed 20 percent of its total grant pursuant to this section.

(b) The board of the arts shall match every verified contribution dollar under paragraph (a), clause (1) and volunteer time dollar, as calculated under paragraph (a), clause (2), with two state dollars for each eligible applicant until the applicant station has received $10,000 in grant money under this section, and thereafter grant money shall be distributed on a dollar for dollar basis until the total amount appropriated for that year has been distributed equally among all applicants. A station may receive state matching money only until the station's total verified contribution and volunteer time has been matched or the amount of the grant received equals one-third of the station's total operating income for the previous fiscal year.

(c) A station may use grant money under this section for any radio station expenses.

Subd. 6. [AUDIT.] *A station that receives a grant under this section shall have an audit of its financial records made by an independent auditor or Corporation for Public Broadcasting accepted audit at the end of the fiscal year for which it received the grant. The audit shall include a review of station promotion, operation, and management and an analysis of the station's use of the grant money. A copy of the audit shall be filed with the board of the arts.*

Sec. 22. Minnesota Statutes 1978, Section 388.19, is amended to read:

388.19. [COUNTY ATTORNEYS COUNCIL.] Sudivision 1. [CREATION.] There is hereby created a county attorneys council hereinafter designated as the "council" to be composed of the county attorney from each of the 87 counties and the attorney general of the state of Minnesota. The members shall meet

	1980 $	1981 $
the state with consistent statewide or multi-regional impact.		
State money granted to regional arts councils shall not be used for general administrative costs of the regional arts councils.		
(c) Public Broadcasting Assistance	415,000	465,000
$240,000 each year is for block grants to public television stations.		
$100,000 each year is for matching grants to public television stations.		
$75,000 the first year and $125,000 the second year is for grants to public radio stations pursuant to section 21 of this act.		
Any unencumbered balance remaining in (a), (b), or (c) the first year does not cancel but is available for the second year of the biennium.		
Subd. 5. Minnesota Safety Council	47,500	47,500
This appropriation is from the trunk highway fund and shall be disbursed by the commisisoner of finance on certification of need therefor by the president of the Minnesota safety council. The commissioner of finance shall disburse upon certification 25 percent of the annual appropriation on the first day of July, October, January, and April of each fiscal year.		
Sec. 5. SOCIAL SECURITY		
Subdivision 1. Disabled American Veterans	17,500	17,500
For salaries, supplies and expenses to be expended as provided by Laws 1941, Chapter 425.		
Subd. 2. Veterans of Foreign Wars		

CHAPTER 63

Educational Television

SEC.
37-63-1. Declaration of legislative purpose and public policy.
37-63-3. Members of authority for educational television; terms.
37-63-5. Officers of authority for educational television; meetings; compensation.
37-63-7. Executive director and other employees.
37-63-9. Acquisition and operation of facilities.
37-63-11. Request and receipt of state funds; gifts and grants; contracts.
37-63-13. Authority's general powers as to educational television.
37-63-15. Programming restriction.

§ 37-63-1. Declaration of legislative purpose and public policy.

It is declared to be the legislative purpose of this chapter, and the public policy of the State of Mississippi, that there be established and developed in the public interest an educational television and radio system which shall provide educational and instructional, professional growth, and public service programs for the students and citizens of Mississippi, such system to be known as Mississippi Educational Television. The legislature therefore declares and determines that for these and other related purposes there is hereby established an agency of state government to be known as the Mississippi authority for educational television which shall have the responsibility for the administration, operation, control and supervision of educational television and radio in Mississippi.

SOURCES: Codes, 1942, § 8946-101; Laws, 1969, Ex Sess, ch. 31, § 1, eff from and after passage (approved September 30, 1969).

§ 37-63-3. Members of authority for educational television; terms.

The authority for educational television shall consist of the state superintendent of public education and six members appointed, with the advice and consent of the senate. The governor shall appoint four members, one of whom shall be actively engaged as a teacher or principal in a secondary school system in the State of Mississippi and one of whom shall be actively engaged as a teacher or principal in an elementary school system in the State of Mississippi. The junior college commission shall appoint one member, and the board of trustees of the state institutions of higher learning shall appoint one member. The original appointments shall have been made by November 29, 1969, to expire on February 1, 1972. Thereafter, all appointments shall be made for a term of four years from and after February 1, 1972, such new appointments to be made not more than sixty days from the expiration of any appointee's term.

SOURCES: Codes, 1942, § 8946-102; Laws, 1969, Ex Sess, ch. 31, § 2, eff from and after passage (approved September 30, 1969).

§ 37-63-5. Officers of authority for educational television; meetings; compensation.

The authority for educational television shall elect a chairman, vice-chairman and such other officers it deems necessary.

The authority shall meet at least once each quarter. Special meetings may be called by the chairman, vice-chairman or the executive director. Four members of the authority shall constitute a quorum.

Authority members who are not employed by the state shall receive compensation of twenty dollars per day and actual and necessary expenses for attending meetings as provided by general law for public officers and employees. Elementary and secondary school teachers and/or elementary and secondary principals shall not be considered to be state employees for the purposes of this section.

SOURCES: Codes, 1942, § 8946-103; Laws, 1969, Ex Sess, ch. 31, § 3, eff from and after passage (approved September 30, 1969).

§ 37-63-7. Executive director and other employees.

The authority for educational television shall employ an executive director who shall be the administrative officer of the authority and shall perform such duties as are required of him by law and such other duties as may be assigned him by the authority and who shall receive such compensation as may be fixed by the authority. In addition, the executive director shall be entitled to remuneration for his necessary traveling expenses consistent with general law.

The authority shall have the power and authority to employ such technical, professional and clerical personnel as may be necessary for the administration of this chapter and for the performance of such other duties as may be imposed upon the authority by law, and to define the duties and fix the compensation of such employees.

SOURCES: Codes, 1942, § 8946-104; Laws, 1969, Ex Sess, ch. 31, § 4, eff from and after passage (approved September 30, 1969).

§ 37-63-9. Acquisition and operation of facilities.

The authority for educational television is authorized and empowered to lease, purchase, own, construct, operate, manage and be the licensee of educational television stations, production centers, transmission sites and all related equipment and facilities for the production and/or transmission of broadcast, closed circuit, fixed services (ITFS-2500 megahertz) and any other means necessary to provide complete coverage of educational television in the state. The authority is also authorized and empowered to lease, purchase, own and operate trucks and vans for use in transporting equipment, production crews and service personnel.

SOURCES: Codes, 1942, § 8946-105; Laws, 1969, Ex Sess, ch. 31, § 5, eff from and after passage (approved September 30, 1969).

§ 37-63-11. Request and receipt of state funds; gifts and grants; contracts.

The authority for educational television is empowered to request and to receive such state funds for educational television construction and operation as may be appropriated or allocated to it, and to solicit and receive contributions, matching funds, gifts, bequests and devises from any source, whether federal, state, public or private. It may enter into agreements with federal, state, public or private agencies, departments, institutions, firms, corporations, or persons for the production, transmission, sale, lease or purchase of educational television and educational radio programs. The authority may also lease antenna space on television towers which it owns. Before the authority is empowered to contract for communication facilities to carry television signals, it shall obtain written authority to do so from the commission of budget and accounting in order to insure that there be no duplication of state communication facilities.

SOURCES: Codes, 1942, § 8946-106; Laws, 1969, Ex Sess, ch. 31, § 6, eff from and after passage (approved September 30, 1969).

§ 37-63-13. Authority's general powers as to educational television.

The authority for educational television is empowered and is hereby designated as the proper and official state agency to:

(1) Control and supervise the use of television broadcast and ITFS channels and radio frequencies reserved by the Federal Communications Commission for noncommercial, educational purposes in Mississippi;

(2) Initiate or receive for review and approval all applications

for educational television and educational radio licenses submitted to the Federal Communications Commission for or on behalf of any public school system, junior college, institution of higher learning, private educational institution, or nonprofit community or municipal educational organization;

(3) Initiate or receive for review and approval all applications for federal, state, or private funds which involve the construction of educational television or radio facilities or acquisition of educational television or radio equipment;

(4) Prescribe official state approved standards for appropriate educational television equipment which may be purchased by any public school, junior college, institution of higher learning, private educational institution, or nonprofit community or municipal educational organization in order to insure a standard of quality and technical compatibility throughout the state;

(5) Provide consultative services in all aspects of educational television and radio to any agency, public or private, within the state;

(6) Serve as a clearinghouse for information on television and radio for educational purposes;

(7) Perform all other things necessary to insure the orderly and coordinated development of educational television and radio in Mississippi; and

(8) Determine and approve all policies governing the programming, administration, control and supervision of Mississippi educational television and educational radio. All programs prepared for use in the elementary and secondary schools of this state must be prepared in conjunction with the office of the state superintendent of public education prior to broadcast on Mississippi Educational Television.

SOURCES: Codes, 1942, § 8946-107; Laws, 1969, Ex Sess, ch. 31, § 7, eff from and after passage (approved September 30, 1969).

§ 37-63-15. Programming restriction.

No SEICUS (or any of its subsidiaries or connections known by any other name whatsoever) programming whatsoever shall be carried by any educational television station in the State of Mississippi.

SOURCES: Codes, 1942, § 8946-108; Laws, 1969, Ex Sess, ch. 31, § 8, eff from and after passage (approved September 30, 1969).

Missouri Vernon's Annotated Missouri Statutes, 1979 Cumulative Annual Pocket Part

170.057. Incidental fund moneys may be used for books, supplies and educational television

The school board of any school district may expend either textbook fund moneys or incidental fund moneys to provide supplementary texts, library reference books, instructional supplies and contractual educational television services for the pupils of the district's elementary and secondary schools.

Added by Laws 1977, p. ——, H.B. No. 130, § A.

Library References
Schools and School Districts 🔑92(1).
C.J.S. Schools and School Districts §§ 331 to 335, 337, 338.

Approved: 1980

Section 37.230 of the
Missouri Code
SECOND REGULAR SESSION

SENATE BILL NO. 835

80TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS CASKEY AND WOODS.

Pre-filed December 11, 1979, and 1,000 copies ordered printed.
VINITA E. RAMSEY, Secretary.

AN ACT

Establishing a state assistance program for public television broadcasting stations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. As used in this act, the term "public television station" means a television broadcasting station operating under authority of section 76.621 of the Federal Communications Commission rules and regulations as a noncommercial educational or public television station, owned and operated by a political subdivision of this state, an educational institution of this state, or by a not-for-profit corporation, accepting or broadcasting no commercial messages, and receiving all or part of its operating revenues from public funds, federal funds, donations or grants, or public subscriptions.

Section 2. The general assembly may appropriate funds to the commissioner of administration for use as grants to public television stations. Such grants shall be distributed to each of the public television stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. At least twenty percent of the state funds received under this act by any public television station shall be used for instructional television services to be provided to local educational agencies through local agreements. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to fifty percent of the total amount appropriated and shall be divided equally among the public television stations receiving grants. The remaining amount of the appropriation shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public television stations receiving state grants.

Section 3. Any public television station desiring to receive grants under the provisions of this act shall make an annual application to the commissioner of administration and submit a certification of its actual operating and programming expenses for the previous fiscal year.

Section 4. Each public television station receiving grants under the provisions of this act shall furnish the commissioner of administration and the committee on state fiscal affairs within sixty days after the end of each fiscal year with an annual report and accounting of the funds received and expended by such stations during the just ended fiscal year and may furnish recommendations and suggestions for improvement in programs and services under the provisions of this act.

Section 5. The amount appropriated as grants under the provisions of this act shall not be less than the sum of fifty cents multiplied by the total number of residents of the state as determined by the most recent federal decennial census.

Montana

CREATION OF AN ADVISORY COUNCIL

I, DAVID M. LEWIS, DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION, HEREBY CREATE THE TELECOMMUNICATION ADVISORY COUNCIL WITHIN THE DEPARTMENT OF ADMINISTRATION, THIS 24TH DAY OF SEPTEMBER, 1979, IN ACCORDANCE WITH THE PROVISIONS OF 2-15-122 MCA.

THE COMPOSITION OF THE COUNCIL SHALL CONSIST OF SIX MEMBERS.

THE NAMES AND ADDRESSES OF THE MEMBERS WHO SHALL SERVE AT THE PLEASURE OF THE GOVERNOR ARE:

NAME	ADDRESS
JO ELLEN ESTENSON	1200 UNIVERSITY HELENA, MONTANA 59601
FRANZ NOWOTNY	DIRECTOR OF CONTINUING EDUCATION EASTERN MONTANA COLLEGE BILLINGS, MONTANA 59603
R. THOMAS DUNDAS, JR.	ADMINISTRATOR RESEARCH & INFORMATION SYSTEMS DIVISION DEPARTMENT OF COMMUNITY AFFAIRS CAPITOL STATION HELENA, MONTANA 59601
ELIZABETH HURLEY	P.O. BOX 271 LIVINGSTON, MONTANA 59047
JOHN RICHARDSON	COMMISSION OF HIGHER EDUCATION STATE CAPITOL HELENA, MONTANA 59601
GREG MAC DONALD	ACTING CHAIRMAN RADIO-TV DEPARTMENT UNIVERSITY OF MONTANA MISSOULA, MONTANA 59801

THE PURPOSE OF THE COUNCIL SHALL BE TO KEEP ABREAST OF INFORMATION ON DEVELOPMENTS IN THE TELECOMMUNICATIONS FIELD, TO ASSESS THE STATE OF MONTANA'S NEEDS, TO ASSIST IN FORMULATING POSITIONS AND RESPONSES TO THESE VARIOUS DEVELOPMENTS AND OPPORTUNITIES, AND TO PROVIDE PLANNING AND COORDINATION OF PROGRAMS IN THE STATE OF MONTANA.

THE COUNCIL SHALL EXIST UNTIL THE 24TH DAY OF SEPTEMBER, 1981.

SUBMITTED TO THE GOVERNOR FOR APPROVAL THIS 24TH DAY OF SEPTEMBER, 1979.

David M Lewis
DAVID M. LEWIS
DIRECTOR
DEPARTMENT OF ADMINISTRATION

STATE OF MONTANA
FILED
October 9, 1979
FRANK MURRAY
SECRETARY OF STATE
By
Chief Deputy

I, THOMAS L. JUDGE, Governor of the State of Montana, pursuant to the authority vested in me by 2-15-122 MCA, do hereby approve the creation of the TELECOMMUNICATIONS ADVISORY COUNCIL within the Department of Administration as requested by David M. Lewis, Director of the Department of Administration, on the 24th day of September, 1979.

GIVEN under my hand and the GREAT SEAL OF THE STATE OF MONTANA this 9 day of October, A.D. 1979

Thomas L. Judge
THOMAS L. JUDGE
Governor

ATTEST:

Frank Murray
FRANK MURRAY
Secretary of State

ARTICLE 21

EDUCATIONAL TELEVISION

Section.
79-2101. Nebraska Educational Television Commission; creation; purpose.
79-2102. Nebraska Educational Television Commission; membership; appointment; term; no compensation; expenses.
79-2103. Educational television; commission; powers; duties.
79-2104. Educational television; commission; instrumentality of state; may sue and be sued.
79-2105. Educational television; operation on noncommercial basis; service available to all schools and colleges; costs.
79-2106. Nebraska Educational Television Act; citation.
79-2107. State Educational Television Fund; investment; creation; purpose.
79-2108. Educational television fund; amount; appropriation by Legislature from General Fund.
79-2109. Educational television; power of eminent domain; purpose.
79-2110. Department of Education; instructional television; duties.
79-2111. Instructional television; director; qualifications; appointment.
79-2112. Instructional television; director; duties.

79-2113. Instructional television; advisory committee; compensation; expenses.
79-2114. Instructional television; advisory committee; duties.
79-2115. Documentary film; contents.

79-2101. Nebraska Educational Television Commission; creation; purpose. Sections 79-2101 to 79-2106 creates the Nebraska Educational Television Commission for the purpose of promoting and establishing noncommercial educational television facilities within the State of Nebraska and providing noncommercial educational television programs throughout the State of Nebraska by standard broadcast or by closed circuit transmission.

Source: Laws 1963, c. 468, § 1, p. 1497.

79-2102. Nebraska Educational Television Commission; membership; appointment; term; no compensation; expenses. The Nebraska Educational Television Commission shall be composed of nine members, as follows: (1) The Commissioner of Education or his designee; (2) the Chancellor of the University of Nebraska or his designee; (3) a representative of the state colleges; (4) a representative of private educational institutions of the State of Nebraska; (5) a member residing in a Class II school district; (6) a member residing in a Class III school district; (7) a member residing in a Class IV school district; (8) a member residing in a Class V school district; and (9) a member residing in a Class I or Class VI school district. No more than four of the members shall be actively engaged in the teaching profession or administration of an educational institution. The members described in subdivisions (3) to (9) of this section shall be appointed by the Governor with the approval of the Legislature for a term of four years. The Governor shall select at least two members from each congressional district. Vacancies shall be filled by the Governor for the unexpired term. The members serving on December 25, 1969 shall serve until the first Thursday after the first Tuesday in January, 1971. The commission shall be nonpolitical in character and selection of the members of the commission shall be made on a nonpolitical basis. No member of the commission shall receive any compensation for his services. Reimbursement shall be provided for reasonable and necessary expenses incurred in attending scheduled meetings of the commission.

In the event the Commissioner of Education is unable to attend a commission meeting, the deputy commissioner of education is authorized to act on his behalf, and in the event the Chancellor of the University of Nebraska or his designee is unable to attend a commission meeting, the vice-chancellor for academic affairs is authorized to to establish general policies relating to the nature and character of educational television broadcasts;

(9) To review, or cause to be reviewed by a person designated by the commission, all programs presented on the network, prior to broadcast, to insure that the programs are suitable for viewing. Such suitability shall be determined by evaluating the content of the program, and screening the programs if necessary, as to their educational value and whether they enhance the cultural appreciation of the viewer and not appeal to his prurient interest. When it is obvious from an examination of the descriptive program materials that a program is suitable for presenting on the network, no further review shall be required;

(10) To cooperate with the Secretary of Health, Education and Welfare, and other federal agencies, for the purpose of obtaining matching federal funds and providing educational television facilities of all types throughout the state and to make such reports as may be required of recipients of matching funds;

(11) To arrange for and provide standard broadcast and closed circuit noncommercial educational television programs to Nebraska citizens and institutions, but no tax fund shall be used for program advertising which may only be financed out of funds received from foundations or individual gifts;

(12) To coordinate the activities of all Nebraska agencies, supported in whole or in part by public funds, providing program material for the Nebraska educational television network and, in the event that two or more such agencies desire to provide program material that is substantially equivalent, to determine which agency shall provide specific material, taking into consideration the need to provide unified programming with the greatest economy and least duplication, with first priority being given in program development and scheduling to the instructional needs of the elementary and secondary schools of Nebraska;

(13) To adopt by-laws for the conduct of its affairs;

(14) To make certain that said facilities are not used for any purpose which is contrary to the Constitution of the United States or the State of Nebraska, or for broadcasting propaganda, or attempting to influence legislation;

(15) To publish such informational material as it deems necessary and it may, at its discretion, charge appropriate fees therefor. The proceeds of all such fees shall be deposited in the State Educational Television Fund, and shall be used, by the commission, solely for publishing such informational material. The commission shall provide to newspapers, radio stations and other news media, pro-

act on his behalf.

Source: Laws 1963, c. 468, § 2, p. 1497; Laws 1965, c. 534, § 1, p. 1679; Laws 1969, c. 741, § 1, p. 2794; Laws 1969, c. 742, § 1, p. 2795.

79-2103. Educational television; commission; powers; duties. The powers and duties of the commission shall be:

(1) To promote and sponsor a noncommercial educational television network, consisting of no fewer than two general originating broadcast production and transmission interconnecting facilities, one of which shall be located in Omaha, to serve a series of interconnecting units, throughout the State of Nebraska;

(2) To apply for and to receive and hold such authorizations and licenses and assignments of channels from the Federal Communications Commission as may be necessary to conduct such educational television programs by standard broadcast or by closed circuits, and to prepare, file and prosecute before the Federal Communications Commission all applications, reports or other documents or requests for authorization of any kind necessary or appropriate to achieve the purposes set forth in sections 79-2101 to 79-2106;

(3) To receive gifts and contributions from public and private sources to be expended in providing educational television facilities and programs;

(4) To acquire real estate and other property as an agency of the State of Nebraska, and to hold and use the same for educational television purposes;

(5) To contract for the construction, repair, maintenance and operation of television facilities;

(6) To contract with common carriers, qualified under the laws of the State of Nebraska, to provide interconnecting channels between broadcasting towers unless it is first determined by the Nebraska Educational Television Commission that state-owned interconnecting channels can be constructed and operated that would furnish a comparable quality of service at a cost to the state that would be less than if such channels were provided by qualified common carriers;

(7) To arrange for the operation of a statewide educational television network, as directed by the Nebraska Educational Television Commission, consistent with the provisions of the Communications Act of 1934, as amended, and applicable rules, regulations and policies of the Federal Communications Commission, and, insofar as elementary and secondary education programs are concerned, consistent with policies of the State Board of Education;

(8) After taking into consideration the needs of the entire state,

gram schedules informing the public of programs approved by the commission; and

(16) To maintain a library of films and video tapes which depict persons who appear to be significant or prominent in Nebraska history and the proceedings of the regular meetings of the Legislature.

Source: Laws 1963, c. 468, § 3, p. 1497; Laws 1965, c. 535, § 2, p. 1682; Laws 1969, c. 743, § 1, p. 2799; Laws 1969, c. 744, § 1, p. 2802; Laws 1969, c. 742, § 2, p. 2796; Laws 1974, LB 306, § 1.

79-2104. Educational television; commission; instrumentality of state; may sue and be sued. The Nebraska Educational Television Commission is hereby constituted an instrumentality of the State of Nebraska, and may sue and be sued by the name Nebraska Educational Television Commission.

Source: Laws 1963, c. 468, § 4, p. 1499.

79-2105. Educational television; operation on noncommercial basis; service available to all schools and colleges; costs. All television facilities operated or supervised by the Nebraska Educational Television Commission shall be operated at all times on a noncommercial basis. Operational and administrative service pertinent to the production and utilization of in-class television instruction shall be made available to all schools and colleges of Nebraska on the basis of the actual cost of production, exclusive of general overhead expense.

Source: Laws 1963, c. 468, § 5, p. 1499.

79-2106. Nebraska Educational Television Act; citation. Sections 79-2101 to 79-2106 shall be known as the Nebraska Educational Television Act.

Source: Laws 1963, c. 468, § 6, p. 1500.

79-2107. State Educational Television Fund; investment; creation; purpose. There is hereby created a fund to be known as the State Educational Television Fund to be used by the Nebraska Educational Television Commission for the purposes of carrying out the provisions of the Nebraska Educational Television Act. Such fund shall consist of such sums as the Legislature may appropriate. Any money in the State Educational Television Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Source: Laws 1963, c. 467, § 1, p. 1496; Laws 1969, c. 584, § 91, p. 2402.

Cross Reference

For provisions of the Nebraska Educational Television Act, see sections 79-2101 to 79-2106.

79-2108. Educational television fund; amount; appropriation by Legislature from General Fund. The fund created by section 79-2107 shall consist of not to exceed six hundred thousand dollars to be appropriated by the Legislature from the General Fund.

Source: Laws 1963, c. 467, § 2, p. 1496.

79-2109. Educational television; power of eminent domain; purpose. The Nebraska Educational Television Commission is authorized and empowered to acquire in the name of the State of Nebraska real estate by the use of eminent domain, as provided in sections 72-213 to 72-222, for the following purposes:

(1) For stations and tower site with access road:

Part of the southeast quarter of the northeast quarter of section 36, township 22 north, range 50 west of the 6th principal meridian, Morrill County, Nebraska, more particularly described as follows:

Beginning at a point on the east line of the northeast quarter of said section 36, which point is one thousand nine hundred twelve and two-tenths feet south of the northeast corner of said section, and is seven hundred twenty-eight and three-tenths feet north of the southeast corner of said northeast quarter; thence west, at right angles to said east line, for a distance of one hundred forty-nine and one-tenths feet; thence north forty-seven degrees thirty minutes west for a distance of two hundred fifty-four and eighty-five hundredths feet; thence north, parallel with said east line of said section, for a distance of three hundred and zero-tenths feet; thence west, on a line at right angles to said east line, for a distance of three hundred and zero-tenths feet; thence south, parallel with said east line, for a distance of three hundred and zero-tenths feet; thence east, on a line at right angles to said east line, for a distance of one hundred fifty-two and zero-tenths feet; thence south forty-seven degrees thirty minutes east for a distance of six hundred fifty-seven and nine-tenths feet more or less, to a point on said east line; thence north on said east line, for a distance of two hundred seventy-two and three-tenths feet, to the point of beginning, comprising an area of three and fifty-eight hundredths acres, more or less, subject to the county road on the east thirty-three and zero-tenths feet of the portion adjoining the section line; and

(2) For guy anchors for tower:

Part of the northeast quarter of section 36, township 22 north, range 50 west of the 6th principal meridian, Morrill County, Nebraska, more particularly described as follows:

Beginning at a point on the east line of said northeast quarter, which point is six hundred ninety-five and zero-tenths feet south of the northeast corner thereof; thence west, at right angles to said east line, for a distance of one thousand five hundred ninety and zero-tenths feet; thence south, parallel with said east line, for a distance of one thousand seven hundred forty and zero-tenths feet; thence east, at right angles to said east line, for a distance of one thousand five hundred ninety and zero-tenths feet, to a point on said east line; thence north on said east line of the northeast quarter, for a distance of one thousand seven hundred forty and zero-tenths feet, to the point of beginning.

Source: Laws 1965, c. 535, § 1, p. 1680; Laws 1969, c. 745, § 1, p. 2805.

79-2110. Department of Education; instructional television; duties. The Department of Education shall, with funds specifically appropriated for instructional television by the Legislature and such other funds which may be available, make provision for the planning, developing, producing, leasing, disseminating, and utilizing of instructional television programs in the elementary and secondary schools of Nebraska.

Funds appropriated or acquired for the purpose of providing such programming to the elementary and secondary schools shall make provision for the employment of a director and such additional employees as may be necessary for the Department of Education to assume the designated responsibilities of instructional television and to perform the assigned functions in an efficient manner. Funds may be used to contract with organizations designed to plan, produce, and acquire instructional television programming for elementary and secondary school use. The department may publish or cause to be published such informational material as it deems necessary, and it may, at its discretion, charge appropriate fees therefor. The department shall make such materials available at cost to all individuals, schools, private and public institutions, and organizations. The proceeds of all such fees paid to the department shall be deposited in a Department of Education Fund and shall be used, by the department, for publishing such informational material.

Source: Laws 1971, LB 404, § 1.

79-2111. Instructional television; director; qualifications; appointment. The Commissioner of Education shall appoint a director of instructional television subject to confirmation by a majority vote of the members of the State Board of Education. His appointment shall be made on the basis of recognized and demonstrated interest in and knowledge of instructional television. He shall have a minimum of three years of successful elementary or secondary school experience and shall hold a Nebraska Administrative and Supervisory Certificate.

Source: Laws 1971, LB 404, § 2.

79-2112. Instructional television; director; duties. The duties and responsibilities of the director of instructional television shall include, but not be limited to, the following:

(1) To administer the elementary and secondary instructional television responsibilities as provided by law under the direction of the Commissioner of Education;

(2) To act as contract agent for the Department of Education in instructional television business;

(3) To provide a liaison between the Department of Education and educational organizations to which instructional television has application;

(4) To consult and cooperate with the Nebraska Educational Television Commission so as to coordinate in an effective manner the transmission of instructional television programming to elementary and secondary schools;

(5) To consult and cooperate with Department of Education personnel so as to make the most efficient use of instructional television within the elementary and secondary curricula and in the improvement of Nebraska education;

(6) To provide for the evaluation of the fulfillment of school needs through instructional television programming;

(7) To assist in the arrangements whereby all Nebraska schools would have access to a minimum of two instructional television services: One through open circuit, such as the Nebraska Educational Television network, and each cable system, which provides educational television programming other than that simulcast by means of the open circuit; and

(8) To designate such ad hoc committees as may be needed and to charge these committees with special tasks in carrying out assigned responsibilities.

Source: Laws 1971, LB 404, § 3.

79-2113. Instructional television; advisory committee; compensation; expenses. The Nebraska Educational Television Commission or its designated representatives shall serve as an advisory committee to the Commissioner of Education and the director of instructional television on matters pertaining to instructional television. The members of the advisory committee shall receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred in attending meetings or incurred in the performance of duties as directed by the Department of Education.

Source: Laws 1971, LB 404, § 4.

79-2114. Instructional television; advisory committee; duties. It shall be the duty of the advisory committee to:

(1) Assist in the study of needs of the schools and recommend appropriate program development;

(2) Help correlate operations between the Nebraska Educational Television Commission, the Department of Education, the program development agencies, and the schools of Nebraska;

(3) Recommend appropriate instructional television production centers;

(4) Recommend appropriate program agencies for instructional television planning and development;

(5) Assist in the development of long-range, cooperative plans for instructional television in Nebraska;

(6) Assist in developing coordinated broadcast schedules for the available transmission sources;

(7) Submit nominations of candidates for director of instructional television; and

(8) Consistently keep the Department of Education adequately informed on technical and transmission capabilities.

Source: Laws 1971, LB 404, § 5.

79-2115. Documentary film; contents. The Nebraska Educational Television Commission shall produce a documentary film, not less than one hour in length, depicting the various aspects of Nebraska state government. Personnel of the various branches of state government shall advise, assist, and cooperate with the commission so as to assure as accurate as possible a picture of state government and the relationship between the branches thereof. The film, when completed, shall be shown on the Nebraska educational television network and shall be made available for showing, at a nominal cost for postage and handling, to schools, organizations and all interested persons.

Source: Laws 1972, LB 1180, § 1.

Nevada Nevada Revised Statutes

387.123 Definitions; rules for calculation of enrollment, attendance; regulations of state board of education.

* * * * * * *

5. The state board of education shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of the state which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in such school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

Child Benefit Services

189:49 Optional Services. The school board of any school district may provide the following child benefit services for pupils in each public and nonpublic school in the district or in another school district in this state:

I. School physician services under the provisions of RSA 200:26–41.

II. School nurse services.

III. School health services.

IV. School guidance and psychologist services.

V. Educational testing services.

VI. Transportation under the provisions of RSA 189:9.

VII. Textbooks and instructional materials.

VIII. Health and welfare services equivalent to those provided by public schools including speech correction and remedial and diagnostic services.

IX. Driver education.

X. Educational television services.

XI. Programs for the deaf, blind, emotionally disturbed, crippled and physically handicapped children; audio-visual aids; and programs for the improvement of the educational studies of handicapped pupils.

XII. Physical education.

XIII. Hot lunch program.

In the event that a court rules invalid one or more of the above services the other services shall not be deemed void but shall continue in effect.

HISTORY

Source. 1970, 51:1, 1971, 499:4; 566:1. 1973, 501:1, eff. June 30, 1973.

Amendments—1973. Paragraphs VI–XIII: Added.

—1971. Chapter 499 substituted "RSA 200:26–41" for "RSA 200:15–25".

In opening par. ch. 566 added "or in another school district in this state".

CROSS REFERENCES

Child benefit service grants, see RSA 198:22.

189:50 Appropriations. A town may raise and appropriate money to carry the provisions of this subdivision into effect.

HISTORY

Source. 1970, 51:1, eff. May 4, 1970.

189:51 Limitation. Nothing in this subdivision shall be construed to allow either a deletion or diminution of a program or purchase adopted through normal budgetary procedure.

HISTORY

Source. 1971, 566:2, eff. Sept. 29, 1971.

New Jersey   New Jersey Statutes Annotated, Cumulative Annual Pocket Part 1979-1980

CHAPTER 23. PUBLIC BROADCASTING [NEW]

Sec.
48:23-1. Short title.
48:23-2. Definitions.
48:23-3. New Jersey Public Broadcasting Authority; establishment.
48:23-4. Membership; appointment; terms; compensation; meetings; organization; secretary; seal.
48:23-5. Executive director.
48:23-6. Assistants and employees.
48:23-7. Powers of authority.
48:23-8. Encumbering of assets.
48:23-9. Political activities.
48:23-10. Educational policies; curriculum content.

48:23-1. Short title

This act shall be known and may be cited as the "New Jersey Public Broadcasting Authority Act of 1968."
L.1968, c. 405, § 1, eff. Jan. 13, 1969.

Title of Act:
An Act concerning a system of public broadcasting and public broadcasting telecommunications for the State of New Jersey and establishing the New Jersey Public Broadcasting Authority. L.1968, c. 404.

Library references
Telecommunications 🔑16.
C.J.S. Telegraphs, Telephones, Radio, and Television §§ 96-103.

48:23-2. Definitions

For the purposes of this act, unless otherwise indicated by the context:

"Authority" means the New Jersey Public Broadcasting Authority.

"Commission" means the New Jersey Public Broadcasting Commission.

"Public broadcasting" includes all aspects of noncommercial radio and television, open and closed circuit, including the production and dissemination of public and community affairs, educational, cultural and instructional information to the public at large within the State. For purposes of this act, public broadcasting does not include radio and television transmissions for internal communications, as presently used by public and private agencies in fields such as law enforcement, safety, transportation, traffic control, civil defense and the like.

"Public broadcasting telecommunications" includes all public broadcasting services relating to public broadcasting including intercommunications, closed circuit Instructional Television Fixed Service (ITFS) and other services requiring Federal Communications Commission spectrum allocations for transmission of electrical impulses that specifically and integrally relate to New Jersey public broadcasting. Facilities typical for application of these services would encompass micro-wave interconnection, aural and video TV transmission, multiplexing, laser beam utilization, satellite interconnection systems and other appropriate technological devices.
L.1968, c. 405, § 2, eff. Jan. 13, 1969.

Library references
Words and Phrases (Perm.Ed.)

48:23-3. New Jersey Public Broadcasting Authority; establishment

There is hereby established in the Executive Branch of the State Government the New Jersey Public Broadcasting Authority. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the authority is hereby allocated within the Department of Public Utilities, but, notwithstanding said allocation, the authority shall be independent of any supervision or control by the department or by any board or officer thereof.

L.1968, c. 405, § 3, eff. Jan. 13, 1969.

48:23-4. Membership; appointment; terms; compensation; meetings; organization; secretary; seal

a. The authority shall consist of the New Jersey Public Broadcasting Commission, which shall be the head of the authority, an executive director, who shall be the principal executive officer of the authority and such other officers and employees authorized to be appointed and employed by this act.

b. The commission shall be composed of 15 members, 5 of whom shall be ex-officio members, viz., the Commissioner of Education, the Chancellor of Higher Education, the Commissioner of Community Affairs, the Attorney General and the State Treasurer, or when so designated by them, their deputies, and 10 residents of the State.

c. The citizen members of the commission shall be appointed by the Governor with the advice and consent of the Senate and shall be selected without regard to political belief or affiliation. The term of office of appointed members, except for first appointments, shall be for 5 years. Each member shall serve until his successor shall have been appointed and qualified and vacancies shall be filled in the same manner as the original appointments for the remainder of the unexpired term. The terms of the members initially appointed shall be designated by the Governor so that 2 of such terms shall expire on June 30 in each successive year ensuing after such appointments.

d. The members of the commission shall receive no compensation for their services, but may be reimbursed for their expenses in performing their duties.

e. The commission shall hold public meetings at such places within the State as it shall designate at least once quarterly and at such other times as in its judgment may be necessary.

f. The commission shall organize annually in July of each year by the election of a chairman, vice-chairman and such other officers as the commission shall determine, except that the first chairman shall be designated by the Governor. Officers shall serve until the following July meeting and until their successors are elected and qualified. Vacancies in such offices shall be filled in the same manner for the unexpired term only.

g. The executive director shall be the secretary of the commission and shall have custody of its official seal. With the approval of the commission, he may designate an employee of the authority to perform such duties of the secretary and such other services as the commission shall designate.

L.1968, c. 405, § 4, eff. Jan. 13, 1969.

48:23-5. Executive director

The commission shall, subject to the approval of the Governor, appoint an executive director. The executive director shall receive such salary as shall be provided by law. He shall devote his entire time to performance of his duties and shall, unless and until removed by the Governor, hold office at the will of the commission. Appointment of the executive director shall not be restricted to residents of this State. The executive director may be removed from office by the Governor, upon notice and opportunity to be heard.

L.1968, c. 405, § 5, eff. Jan. 13, 1969.

48:23-6. Assistants and employees

The executive director shall, subject to the approval of the commission, appoint such assistants and employees as the commission shall deem necessary and prescribe their powers and duties. Such assistants and employees of the commission shall be chosen without reference to party affiliations, solely on grounds of fitness to perform their duties and their employment shall be in the unclassified service of the State, except that employees performing stenographic, clerical or other duties not directly related to public broadcasting shall be appointed pursuant to Title 11 (Civil Service) of the Revised Statutes. With the exception of employees having civil service status, the employees of the commission shall receive such compensation as shall from time to time be fixed by the commission within the limits of available appropriations therefor.

L.1968, c. 405, § 6, eff. Jan. 13, 1969.

48:23-7. Powers of authority

The authority shall have the power to:

a. Adopt and from time to time amend and repeal suitable by-laws for the management of its affairs;

b. Adopt and use the official seal and alter the same at its pleasure;

c. Maintain an office at such place or places within the State as it may designate;

d. Establish, own, and operate noncommercial educational television or radio broadcasting stations, one or more public broadcasting and public broadcasting telecommunications networks or systems, and interconnection and program production facilities;

e. Apply for, receive, and hold such authorizations and licenses and assignments and reassignments of channels from the Federal Communications Commission (FCC) as may be necessary to conduct its operations and prepare, and file and prosecute before the FCC all applications, reports, or other documents or requests for authorization of any type necessary or appropriate to achieve the authorized purposes of the authority;

f. Provide co-ordination and information on matters relating to public broadcasting telecommunications among the agencies of the State Government, all facets of New Jersey public education and individuals, associations, and institutions working in these fields both within and without the State;

g. Establish State-wide equipment compatibility policies and determine the method of interconnection to be employed within the State's public broadcasting system;

h. Assume responsibility for the character, diversity, quality, and excellence of programming which is released via its licensed facilities, provided that programs or series of programs of a controversial nature shall be presented with balance, fairness and equity;

i. Provide appropriate advisory assistance to other agencies of the State and local and regional groups regarding public broadcasting techniques, planning, budgeting, and related issues;

j. Make to the Governor and the Legislature such recommendations as the authority deems necessary with regard to appropriations relative to public broadcasting and public broadcasting telecommunications equipment and facilities;

k. Subject to the approval of the Governor, receive and administer gifts, contributions, and funds from public and private sources to be expended for public broadcasting and public broadcasting telecommunications operations, facilities, and programming consistent with furthering the purposes of the authority;

l. Co-operate with Federal agencies, for the purpose of obtaining matching and other Federal funds and providing public broadcasting and public broadcasting telecommunications facilities throughout the State and to make such reports as may be required of the State. The authority shall likewise provide appropriate advisory assistance to local school districts and others on such matters;

m. Contract with program production organizations, individuals, and noncommercial educational television and radio stations within and without the State to produce, or otherwise to procure, educational television or radio programs for use by noncommercial stations within the State;

n. Establish and maintain a library and archives of educational television and radio programs and related materials, disseminate information about such programs and make suitable arrangements for the use of such programs and materials by colleges, universities, schools and noncommercial television and radio stations;

o. Conduct explorations, research, demonstrations, or training in matters related to public broadcasting and public broadcasting telecommunications in the State, directly; or through contracts with appropriate agencies, organizations or individuals; or by grants to nonprofit, noncommercial organizations such as colleges, universities, schools and noncommercial television and radio stations;

p. Acquire, subject to the provisions of P.L.1954, chapter 48, through lease, purchase, or otherwise real and other property and to hold and use this property for public broadcasting and public broadcasting telecommunications purposes;

q. Contract, subject to the provisions of P.L.1954, chapter 48, for the construction, repair, maintenance, and operations of public broadcasting and public broadcasting telecommunications facilities including program production center, stations, and interconnection facilities;

r. Make arrangements, where appropriate, with companies or other agencies and institutions operating suitable interconnection facilities (e. g., landlines or satellites); and

s. Make reasonable rules and regulations to carry out the provisions of this act.

L.1968, c. 405, § 7, eff. Jan. 13, 1969.

48:23-8. Encumbering of assets

The authority shall have no power to issue bonds, notes or other obligations, or to mortgage, pledge or otherwise encumber the assets of the authority or any of its income; and no part of the income or the assets of the authority shall inure to the benefit of any director, officer, employee or any other individual, except as may be provided as salary or reasonable compensation for services.

L.1968, c. 405, § 8, eff. Jan. 13, 1969.

48:23-9. Political activities

The authority shall be prohibited from supporting or opposing any political party or candidate for public office, elective or otherwise, and from attempting to influence the enactment of legislation. The authority shall not, however, be precluded from promoting full discussions of public issues.

L.1968, c. 405, § 9, eff. Jan. 13, 1969.

48:23-10. Educational policies; curriculum content

Nothing in this act concerning the authority's activities in the field of instructional television shall be deemed to supersede the responsibilities of the Commissioner of Education, the Chancellor of Higher Education and local school governing bodies with respect to the determination of educational policies or curriculum content.

L.1968, c. 405, § 10, eff. Jan. 13, 1969.

54:4–3.6a Exemption of property of nonprofit association used for production and broadcasting of educational television

In addition to the exemptions from taxation authorized by Revised Statutes 54:4–3.6 the following property shall be exempt from taxation under the chapter to which this act is a supplement: All buildings and structures located in this State and used exclusively by a nonprofit association or corporation organized under the laws of this or another State for the production and broadcasting of educational television; the land whereon the buildings and structures are erected and which may be necessary for the fair enjoyment thereof, and which is devoted to the foregoing purpose, and no other purpose, and does not exceed 30 acres in extent; the furniture, equipment and personal property in said buildings and structures if used and devoted to the foregoing purpose. The foregoing exemption shall apply only where the association or corporation owns the property in question and is authorized to carry out the purpose on account of which the exemption is claimed. L.1967, c. 24, § 1, eff. April 18, 1967.

Title of Act:

An Act according exemption from taxation to real and personal property of certain educational television associations and corporations and supplementing chapter 4 of Title 54 of the Revised Statutes. L.1967, c. 24.

Section 2 of L.1967, c. 24, approved April 18, 1967, read as follows:

"This act shall take effect immediately but shall be applicable only to taxes payable in 1968 and thereafter."

* * * * * * *

19:44A–39. Public broadcasting commission; appearances of candidates on stations

The New Jersey Public Broadcasting Commission, P.L.1968, c. 405 (C. 48:23–1 et seq.), shall promote full discussions of public issues by the candidates for the office of Governor on the ballot in any general election, free of charge to any such candidate. The commission shall make available at least 1 hour of time on its stations for joint appearances by such candidates, and at least 1 additional hour of time on its stations for individual appearances by each of such candidates. The commission may promulgate such rules and regulations as may be necessary to effectuate the purposes of this section. L.1974, c. 26, § 14, eff. May 6, 1974.

New Mexico New Mexico Statutes 1978 Annotated

21-1-34. Educational television equipment replacement fund; disbursement.

The "educational television equipment replacement fund" is created. The board of educational finance shall develop criteria and promulgate regulations for the disbursement of money in this fund for the replacement of equipment at educational television stations operated by institutions of higher education. Disbursement shall be made to the institutions by warrant of the department of finance and administration upon vouchers signed by the executive secretary of the board of educational finance. It is the intent of the legislature that in subsequent years a specific line item for educational television replacement shall be included in the appropriations recommended for educational television by the board of educational finance.

History: 1953 Comp., § 73-26-36, enacted by Laws 1977, ch. 330, § 1.

Appropriation. — Laws 1977, ch. 330, § 2, appropriates $60,000 from the general fund to the educational television equipment replacement fund for replacement of educational television equipment in accordance with the act and provides that balances shall not revert back to the general fund.

Am. Jur. 2d reference. — 74 Am. Jur. 2d Telecommunications § 192.

STATE OF NEW MEXICO
OFFICE OF THE GOVERNOR
SANTA FE
87503

JERRY APODACA
GOVERNOR

May 23, 1975

EXECUTIVE ORDER NO. 75 - 14

WHEREAS, public broadcasting is an important element of New Mexico's educational system; and

WHEREAS, statewide coordination is necessary to the efficient operation and promotion of public broadcasting in New Mexico;

NOW, THEREFORE, I, JERRY APODACA, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and laws of the State of New Mexico, do hereby create and establish the Governor's Commission on Public Broadcasting.

THE PURPOSE OF SAID COMMISSION SHALL BE TO:

A. Coordinate all non-commercial broadcasting within the State of New Mexico pursuant to Section 392(c) and Section 397(c) of Part IV of Title III of the Communications Act of 1934 as amended;

B. Develop, revise and coordinate implementation of a statewide plan for public broadcasting;

C. Render advice to the various state agencies concerned with public broadcasting; and

D. Render advice to the Governor, Board of Educational Finance and other state officials and agencies with respect to priorities for state and federal funding for public broadcasting.

Members of the Governor's Commission on Public Broadcasting shall serve at the pleasure of the Governor.

The mandate of Executive Order No. 75-14 shall, unless extended, expire on December 31, 1976 and the Governor's Commission on Public Broadcasting shall thereupon be abolished.

FACT SHEET: NEW MEXICO COMMISSION ON PUBLIC BROADCASTING
Dr. Robert E. Rhodes, Executive Director

HISTORY:

The Commission on Public Broadcasting for the State of New Mexico was formed by Executive Order on May 23, 1975. The order, which called for statewide coordination of all public television and radio activities, grew from a consensus by a number of state officials that the most efficient use and plausible funding of educational broadcasting could best be achieved by a statewide structure.

Governor Bruce King in a recent Executive Order has expanded the role of the Commission to include coordination of instructional TV and radio.

PURPOSE:

A. Coordinate all non-commercial broadcasting within the State of New Mexico; pursuant to Section 392(c) and Section 397(c) and Part IV of Title III of the Communications Act of 1934, as amended;

B. Develop, revise and coordinate implementation of a statewide plan for public broadcasting including instructional television and radio;

C. Render advice to the various state agencies concerned with public broadcasting, instructional television and radio;

D. Render advice to the Governor, Board of Educational Finance, and other state officials and agencies with respect to priorities for state and federal funding for public boradcasting, instructional television and radio.

MEMBERSHIP:

Commissioners are all appointed by New Mexico's Governor and are chosen to reflect one of the following major populations of the state: legislators, broadcasters, and the general public. None of the members of the Governor's Commission on Public Broadcasting is salaried or paid a per diem for his service on the Commission.

At present, Commission members include the following people:

Robert Rhodes, Executive Director
Jim Baca
Elizabeth Bailey
Michael Brasher
Wayne Bundy
Thomas E. Cyrs
Eduardo Diaz
James A. Dryden
Bob Gold
Philip Gonzales
Gladys Hansen
Frank Bond

Anthony G. Hillerman
Wilma Ludwig
E. F. Merriam
M. Bruce McLaren
Joseph Romero
Michael Runnels
Tom Rutherford
Duane Ryan
Kurt Schultz
Steve Thayer
Benson R. Daitz
Marilyn Huber
Shiame Okunor

ACCOMPLISHMENTS:

State microwave system, which enables KNME/Albuquerque to feed programs to KENW/Portales and KRWG/Las Cruces.

Development of cohesive group structure that has been copied by officials from Wyoming and Colorado seeking to establish similar public broadcasting commissions in their states.

Unofficial lobbying efforts which have been seen increased state funding for public TV. State funds totalled $625,000 in 1975; $1,543,000 in 1978.

Attained $125,000 for state-wide translator system for public television.

GOALS:

Increased state-wide production of programs

Increased coverage by public radio

Increased state-wide production and utilization of instructional television

Increased coverage of state government's activities by public broadcasting

Increased funding for public broadcasting

Increased cooperation and a sharing of resources among public broadcasters

Signal distribution providing over 90 per cent of New Mexico's citizen coverage by public TV

DEFINITIONS:

Public Television--a non-commercial television system designed to enrich the lives of its viewers and to provide alternatives to commercial television programming.

Instructional television--television service that is designed to be an integeral part of a classroom curriculum to teach a specific subject. The service is primarily utilized for K-12, although some college classes use television materials as a supplement, as well.

Educational television--a broad term encompassing a general enrichment of the viewer's knowledge. The term, which is considered by many to be obsolete, was originally used to describe what is now known as "public television."

PBS--an organization owned by the member stations of public television. Based in Washington, D.C., PBS is charged with the responsibility of furnishing programs for the national service. Each station is autonomous and selects only those programs deemed appropriate for its viewers.

CPB--The Corporation for Public Broadcasting is a private corporation formed by the Public Broadcasting Act of 1967 to insulate stations and PBS from governmental pressure. This organization is responsible for distributing federal monies in the from of Community Service Grants to the stations.

NPR--National Public Radio is a network of non-commercial radio stations whose service specializes primarily in an alternative programming of news, public affairs, and the arts.

Microwave interconnect--system of microwave transmitters and receivers that allows programs to be fed from one public TV station to another and from Santa Fe to the stations. The interconnect also has the capabilities of distributing radio programs to the various public radio stations in the state.

New York McKinney's Consolidated Laws of New york Annotated, as amended through 1978-1979 Cumulative Annual Pocket Part

§ 213. Extension of educational facilities

1. The regents may extend to the people at large increased educational opportunities and facilities, stimulate interest therein, recommend methods, designate suitable teachers and lecturers, conduct examinations and grant credentials, and otherwise organize, aid and conduct such work. And the regents, and with their approval the commissioner of education, may buy, sell, exchange and receive by will, or other gift, or on deposit, books, pictures, statuary or other sculptered work, lantern slides, apparatus, maps, globes, films, sound films, kinescopes, photographic recordings and any article or collections pertaining to or useful in and to any of the departments, divisions, schools, institutions, associations or other agencies, or work, under their supervision, or control, or encouragement, and may lend or deposit any such articles in their custody or control, when or where in their judgment compensating educational usefulness will result therefrom; and may also, from time to time, enter into contracts desirable for carrying into effect the foregoing provisions.

2. In carrying out the provisions of subdivision one of this section, the regents may: a. Contract with institutions in the university, school districts, boards of cooperative educational services or other non-profit educational agencies for the acquisition from such institutions, school districts, boards or agencies of sound films, kinescopes, audio recordings and video recordings, scripts, research reports or related educational television materials, for the use of the department, or for the production of educational television programs:

b. Lease, to school districts, boards of cooperative educational services or television corporations created pursuant to section two hundred thirty-six of this chapter, educational television facilities, including transmitters, micro-wave relay facilities, production centers, closed-circuit systems and any equipment necessary therefor, constructed or acquired, and owned by the state, leased by the state, or contract with such districts, boards of cooperative educational services or corporations for the operation of such facilities:

c. Lease and operate a television station in the city of New York.

3. For the purpose of carrying out the provisions of subdivision two of this section, the regents may make rules or authorize the commissioner to make regulations providing standards for research and experimentation, operation and programming of educational television by the state and the school districts, boards of cooperative educational services, institutions, corporations and agencies, respectively.

4. In carrying out the provisions of subdivisions one and two of this section and in order to encourage and stimulate the further development and use of educational television in the state of New York and for the purposes of providing educational services and facilities for pupils in the public schools of the state of New York, the board of regents is hereby authorized to make additional apportionments to school districts or boards of cooperative educational services in accordance with the provisions of this subdivision to encourage and assist such districts or boards to install and operate a broadcast or closed-circuit television system, or television receiving equipment for the improvement of classroom instruction.

a. Any school district or board of cooperative educational services planning to establish such a program shall submit to the commissioner of education on or before the first day of May of the school year preceding the school year during which the program is to be conducted an application, together with such information as the commissioner of education shall require, including at least a complete statement of purposes of the program, the detailed procedures of operation, a detailed estimate of the cost of such program and a complete description of the installation and equipment to be installed and the detailed procedures of evaluations to be used in determining the improvement of classroom instruction.

b. The commissioner of education shall establish procedures for evaluations of such programs. One such program for each school district or board of cooperative educational services may be approved by the commissioner of education, and any program so approved by the commissioner of education shall be placed on a list in accordance with the educational merit and value of the program, and the date of receipt of the application, where several programs are evaluated as having equal merit and value.

c. Apportionment shall then be made in accordance with the formula contained in paragraph d of this subdivision, in the order of such programs on the list established in accordance with paragraph b of this subdivision within the amount of the appropriation therefor.

d. Any district or board which proposes to install and operate a broadcast or closed-circuit television system or television receiving equipment for the improvement of classroom instruction, in accordance with a program approved as provided in this subdivision and to the extent that funds are available pursuant to this subdivision, shall be entitled to an apportionment during the five-year period following the approval of the program as follows:

Fifty per cent of the approved cost relative to the acquisition and installation of the equipment, and during the first year fifty per cent of the approved operational expenses in connection with the approved operation of the program; during the second year forty per cent of the approved operational expenses in connection with the approved operation of the program; during the third year thirty per cent of the approved operational expenses in connection with the approved operation of the program; during the fourth year twenty per cent of the approved operational expenses in connection with the approved operation of the program; and during the fifth year ten per cent of the approved operational expenses in connection with the approved operation of the program.

5. A school district or a board of cooperative educational services is hereby authorized and empowered to do and perform any and all acts necessary or convenient to enable it to carry out the provisions of this section.

6. The regents are authorized to make grants of money, materials and equipment for the purpose of promoting the erection and use of educational television facilities by educational television corporations established pursuant to the provisions of section two hundred thirty-six of this chapter. Such grants may be made upon such terms and conditions as the regents may prescribe.

L.1947, c. 820; amended L.1958, c. 848, § 1; L.1961, c. 724, §§ 1, 2; L.1966, c. 404, eff. May 23, 1966.

§ 236. **Educational television**

1. The board of regents may incorporate any group, institution or association for the purpose of constructing, owning, operating or maintaining a nonprofit and noncommercial educational television station or for providing educational television programs, or for any combination of such purposes. Any such corporation shall be subject to all the provisions applicable to corporations created by the board of regents and, in addition, shall be subject to the provisions of this section.

2. The charter of any such corporation may be amended from time to time, suspended, or revoked, upon the regents' own motion, after notice and an opportunity to be heard, before the board of regents or a committee thereof or a hearing officer designated by the board of regents.

3. Each such corporation and all its operations and the powers and duties of its trustees and officers shall be subject to the general supervision and control of the board of regents and to such rules as the board of regents may adopt and promulgate from time to time with respect to such corporations.

4. The television programs developed and presented by such corporations shall consist of educational and cultural programs.

5. The appointment or election of any trustee of such corporation shall be subject to approval by the regents, whether such appointment or election be for a full term or the unexpired portion of a term.

6. The regents may remove any trustee, officer or employee of such corporation for misconduct, incapacity, wilful violation or neglect of duty under this chapter, or wilfully disobeying, or refusing to comply with, any order or rule of the regents. The hearing in the proceeding for the removal of any such person shall be had before the board of regents or a committee thereof or a hearing officer designated by the board of regents and such trustee, officer or employee shall be given at least ten days' notice of the time and place of such hearing.

7. The use of programs for partisan or political purposes or to influence the enactment of legislation, or the employment of persons found to have been members of organizations listed by the board of regents as subversive within the meaning of section three thousand twenty-two of this chapter and who continue membership in such organizations after listing by the board of regents or by any other authorized state or federal agency, or who would be ineligible for appointment to a public position because of section twelve-a of the civil service law, shall, in the discretion of the board of regents, be basis for termination of the corporate charter.

8. Each such corporation shall render a report to the board of regents not later than December thirty-first of each year upon such matters as the regents may require, and shall furnish such other reports and information from time to time as the regents may require.

9. Any corporation created under the provisions of this section may make purchases, except of printed material, through the state division of standards and purchase in the office of general services subject to such rules as may be established from time to time pursuant to section one hundred sixty-three of the state finance law; provided that each such purchase shall have a cost of five hundred dollars or more and that said corporation shall accept sole responsibility for any payment of such cost due the vendor.

Added L.1954, c. 201, § 2, eff. March 24, 1954.

As amended L.1975, c. 84, § 1.

1975 Amendment. Subd. 9. L.1975, c. 84, § 1, eff. May 6, 1975, added subd. 9.

Historical Note

Noncommercial educational television corporations. Laws 1954, c. 201, § 1, eff. March 24, 1954 provides: "Science and technology have recently developed, through television, a vast new medium of communication with unique potentialities for the dissemination of thought, knowledge and understanding. The board of regents of the university of the state of New York is entrusted with the stewardship of the state system of education and it is the sense of the legislature that the board of regents be charged with the duty and responsibility of supervising the organization and operation of nonprofit, noncommercial educational television corporations in this state."

Library References

Telecommunications ⇨388.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 304, 316.

Notes of Decisions

Generally 1
Partisan or political purposes 2

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1. Generally

The Educational Television Council of Central New York is not a public or quasi-public organization and is not eligible to participate in New York State Employees' Retirement System. 1965, Op.Atty.Gen. Feb. 10.

2. Partisan or political purposes

Subdivision (7) of this section prohibits the use of educational broadcast stations by persons advocating their own election or the election of other individuals to political office but said section does not in any way prohibit the discussion of the issues present in a political campaign, provided, of course that the discussion is not related to the desirability of electing a particular candidate. Op. Educ.Dept., 1963, 2 Educ.Dept.Rep. 519.

Nothing in this section prevents the discussion of pending legislation or legislative proposals so long as that discussion is educational in content and does not advocate either the adoption or rejection of that legislation. Id.

§ 224. Optional appropriations and contracts for public benefit services

The board of supervisors shall have power to contract with non-profit organizations and other corporations, associations and agencies within the county formed for the purposes hereinafter enumerated; and the board of supervisors shall also have power to contract with non-profit organizations and other corporations, associations and agencies formed for such purposes within an adjoining county provided the services which are the subject of the contract are to be rendered within the county of such board. The resolution of such board shall name the organization, the amount and manner of payment for the service to be rendered, nature of such service, the rendering of a verified account of the disbursements with verified or certified vouchers therefor attached, a refund of any unused amount, and such other conditions upon the use thereof as the board may deem proper, including the power to require a bond of the disbursing officer thereof. Except as hereinafter mentioned, no county money shall be paid to such organization until a memorandum receipt, signed by the principal officer and disbursing officer of such organization, agreeing to comply with the terms of the resolution, is delivered to the county treasurer. Such appropriations and payments may be made for the following objects and purposes:

(14) * * * Maintenance and operation of an educational television station, organized pursuant to section two hundred thirty-six of the education law.

Definition of "Hospital" in Relation to Medical Malpractice

CHAPTER 8

An Act to amend the insurance law, in relation to the definition of the term "hospital" as used in the provisions relating to medical malpractice.

Approved and effective Feb. 16, 1979.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section six hundred eighty-one of the insurance law, as amended by chapter seven hundred forty-two of the laws of nineteen hundred seventy-seven, is amended to read as follows:

3. "Hospital" as used in the provisions relating to medical malpractice, means any facility defined as a hospital pursuant to section twenty-eight hundred one of the public health law and issued an operating certificate as a hospital or nursing home, and those distinct parts of a facility which are subject to the powers of visitation, examination, inspection and investigation of the department of mental hygiene which provide hospital or nursing home service. As used in the provisions relating to medical malpractice, "hospital" shall also include an ambulance service, as defined in and certified pursuant to article thirty of the public health law,[1] which is designed and equipped to provide definitive acute medical care, and which is staffed by advanced emergency medical technicians, as defined in and certified pursuant to such article, who provide such care under the direction and supervision of a hospital which has agreed to provide such direction and supervision. Such term also shall include any community mental health center operated by a county, city, town or village, holding an operating certificate issued by an office of the department of mental hygiene.

§ 2. This act shall take effect immediately.

Creation and Operation of Public Television and Radio Corporations

Memorandum relating to this chapter, see page 1759

CHAPTER 9

An Act to amend the education law, in relation to providing for the creation and operation of public television and radio corporations.

Approved Feb. 26, 1979, effective as provided in section 2.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred thirty-six of the education law, as added by chapter two hundred one of the laws of nineteen hundred fifty-four, subdivision nine as added by chapter eighty-four of the laws of nineteen hundred seventy-five, is hereby amended to read as follows:

§ 236. ~~Educational television~~

~~1. The board of regents may incorporate any group, institution or association for the purpose of constructing, owning, operating or main-~~

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[1] Public Health Law § 3000 et seq.

~~taining a nonprofit and noncommercial educational television station or for providing educational television programs, or for any combination of such purposes. Any such corporation shall be subject to all the provisions applicable to corporations created by the board of regents and, in addition, shall be subject to the provisions of this section.~~

Public television and radio

1. Short title. This section shall be known and may be cited as the "Public Television and Radio Act of nineteen hundred seventy-eight".

2. Legislative findings and declaration of intent. In the years since New York state's educational television act was passed in nineteen hundred fifty-four, public television in New York has made enormous strides. Audiences which only a decade ago were calculated in the thousands now number in the millions. Approximately seven million New York residents now view public television every week. Public television, which initially served only a handful of students, now brings nearly ten thousand hours annually of the best of the state's and the nation's educational programming to over one million two hundred thousand students in three thousand schools throughout the state. These programs are used by approximately fifty thousand teachers for direct classroom instruction. Public television also provides the state's youngsters with some twelve thousand hours annually of the finest children's programming available including "Sesame Street", "Electric Company", "Zoom" and "Mr. Rogers Neighborhood". In addition, public television provides a wealth of specialized programming in the educational and cultural arts designed for viewing by, among others, minority and ethnic populations, senior citizens, the unemployed, consumers and citizens interested in the performing arts. It is the sense of the legislature that public television's contributions to the people of New York state have been exceptional. Despite public broadcasting's great progress in New York state in recent years, its full potential remains untapped. It is, therefore, the intent of the legislature both to maintain and, expand the role of public broadcasting in supplying educational, instructional and cultural programs to New Yorkers, as well as to enhance the state's role in its partnership with its citizens so that this valuable state resource can be nurtured to its optimum potential.

3. Public television and radio corporations; creation and operation. a. The board of regents may incorporate any group, institution or association for the purpose of constructing, owning, operating or maintaining a non-profit and noncommercial public television station or public television and/or radio station for providing educational television and radio programs. Any such corporation shall be subject to all the provisions applicable to corporations created by the board of regents and, in addition, shall be subject to the provisions of this section.

~~2.~~ b. The charter of any such corporation may be amended from time to time, suspended, or revoked, upon the regents' own motion, after notice and an opportunity to be heard, before the board of regents or a committee thereof or a hearing officer designated by the board of regents.

~~3.~~ c. Each such corporation and all its operations and the powers and duties of its trustees and officers shall be subject to the general supervision and control of the board of regents and to such rules as the board of regents may adopt and promulgate from time to time with respect to such corporations.

~~4.~~ d. The television programs developed and presented by such corporations shall consist of educational, instructional and cultural programs.

~~5.~~ e. The appointment or election of any trustee of such corporation shall be subject to approval by the regents~~, whether such appointment or election be for a full term or the unexpired portion of a term~~ while under regents' charter and through the first five years of broadcast operations. The regents may reinstitute requirements for trustee approval over a reasonable period on finding a corporation in violation of an applicable rule, regulation or law. After the expiration of rule requirements, corporations shall include a list of current trustees in its annual report.

~~6.~~ f. The regents may remove any trustee, officer or employee of such corporation for misconduct, incapacity, wilful violation or neglect of duty under this chapter, or wilfully disobeying. or refusing to comply with, any order or rule of the regents. The hearing in the proceeding for the removal of any such person shall be had before the board of regents or a committee thereof or a hearing officer designated by the board of regents and such trustee, officer or employee shall be given at least ten days' notice of the time and place of such hearing.

~~7.~~ g. The use of programs for partisan or political purposes or to influence the enactment of legislation~~, or the employment of persons found to have been members of organizations listed by the board of regents as subversive within the meaning of section three thousand twenty-two of this chapter and who continue membership in such organizations after listing by the board of regents or by any other authorized state or federal agency, or who would be ineligible for appointment to a public position because of section twelve-a of the civil service law,~~ shall, in the discretion of the board of regents, be basis for termination of the corporate charter.

~~8.~~ h. Each such corporation shall render a report to the board of regents not later than ~~December thirty-first~~ October first of each year upon such matters as the regents may require, and shall furnish such other reports and information from time to time as the regents may require.

~~9.~~ i. Any corporation created under the provisions of this section may make purchases, except of printed material, through the state ~~division~~ divisions of standards and ~~purchase~~ quality control; and of purchasing in the office of general services subject to such rules as may be established from time to time pursuant to section one hundred sixty-three of the state finance law; provided that each such purchase shall have a cost of five hundred dollars or more and that said corporation shall accept sole responsibility for any payment of such cost due the vendor.

4. Grants-in-aid to public television and radio corporations. a. There shall be annually apportioned, as assistance for approved operating expenses of public television corporations governed by the provisions of this section, an amount not exceeding the total of fifty cents multiplied by the number of residents of the state as determined from the last available decennial federal census. Such amount shall be allocated to each such corporation in accordance with a formula and schedule of

payments developed and approved by the commissioner and the director of the division of the budget.

b. The formula and schedule of payments developed pursuant to paragraph a hereof shall include provision for an amount not less than twenty percent of the total state operating assistance for instructional television services to be provided to local educational agencies by public television corporations through agreements with local school districts, subject to the approval of the commissioner.

c. There shall be annually apportioned funds for the payment of approved capital expenses of educational television corporations in such amounts and in such manner as the legislature shall provide.

d. There shall be annually apportioned, as assistance for approved radio programming operating expenses, an amount not exceeding fifty thousand dollars to each public television and radio corporation and public radio corporation governed by the provisions of this section and paid in accordance with a formula and schedule of payments developed and approved by the commissioner and the director of the division of the budget.

e. On or before November first in each year, the board of regents shall submit to the division of the budget a plan outlining a matching capital grant program for approved capital expenses of public television and/or radio corporations to meet the replacement costs of capital items including towers, antennas, transmitters, videotape recorders, cameras, film chains, control room equipment, buildings and building renovations.

5. Implementation. For the purposes of carrying out the provisions of this section, the regents may make rules, or authorize the commissioner to make regulations, providing for the implementation of this section, including provision for annual audited reports of the financial records of such corporations as the regents or the commissioner may require.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect from and after April first, nineteen hundred seventy-eight.

Term of Village Justice in Spring Valley, Rockland County

CHAPTER 10

An Act to amend the village law, in relation to extending the term of village justice in the village of Spring Valley, Rockland county.

Approved and effective Feb. 28, 1979.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 3-302 of the village law is amended by adding a new subdivision three-a to read as follows:

3-a. Notwithstanding the provisions of this chapter or any special or local law to the contrary, the board of trustees of the village of Spring Valley, instead of providing for the election of the successor of the village justice in the village of Spring Valley whose term expires at noon on the second day of April, nineteen hundred seventy-

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Section 207 of the Education Law
and Chapter 53 of the Laws of 1978

A new Section 179.6 of the Regulations of the Commissioner is added, effective March 23, 1979, to read as follows:

> Section 179.6 of Capital grant aid. Grants will be made by the Commissioner to councils, within the limits of appropriations for approved capital expenses: towers, antennas, transmitters, video recorders, cameras, including related switching and control equipment. Such grants shall not exceed 50 percent of the replacement cost of approved equipment purchases. Eligibility to receive grants, and the amounts thereof shall be determined by the commissioner in accordance with the following criteria and schedule of payments.

(a) Application for grants. A council may apply for a capital grant in each fiscal year for which the council has submitted an application for a federal capital grant under the Educational Broadcasting Facilities Program, and in years for which capital grant funds are appropriated by the legislature. Applications shall be submitted on or before the thirteenth day of November in the year for which funds are appropriated, except that in fiscal year 1978-79 applications will be received until February 5, 1979. Applications shall be made on forms supplied by the commissioner, and shall set forth the information required by the commissioner to determine the need for a grant. In emergency situations, as described in paragraph (1) of subdivision (b) below, the commissioner may waive the requirement that a council previously file application for a federal grant, and the application filing date for this program. Emergency grants may be made at any time until funds for this program have been otherwise allocated to councils.

(b) Comparative nature of grants. Grants will be considered in order of the greatest neds in accordance with the priorities set forth below. The commissioner, in examining the applications for grants, will seek to provide for the widest possible distribution of grants consistent with the availability of funds and purposes of the grant program. (1) Grants shall first be made for emergency capital projects. An emergency capital project is one in which existing equipment has suffered irreparable damage and thereby prevents basic transmission, control or studio operations. (2) Grants shall next be awarded for highly critical capital projects in which irreparable damage exists but for which alternative means can be employed to maintain basic operations. (3) Grants shall next be awarded for projects of an urgent nature in which a council's existing equipment has exceeded its useful life expectancy, as established by this subdivision, by two or more years. (4) Grants shall then be awarded for the replacement of equipment which has met or exceeded the following useful life expectancy:

Equipment	Useful Life
Tower	20 years
Antennas, transmitter	10 years
Recorders, cameras, control equipment	6 years

The commissioner shall also consider each applicant's readiness and ability to provide the balance of funds required to complete the proposed project, the applicant's need relative to other proposed projects necessary for the maintenance and advancement of the highest professional broadcast standards, and the recency of previous federal or state grants and resulting equipment purchases.

(c) Schedules. Applications will be evaluated in December of each fiscal year in which capital funds are available following the announcement of Federal capital grants made to councils during the calendar year except that in the fiscal year 1978-79 evaluations of applications will be completed by February 12. The announcement of grant awards will be made no later than January 31 of the fiscal year, except that in fiscal year 1978-79 awards will be announced no later than February 12, 1979. Payments shall be made according to the following schedule:

50% of grant amount	Upon receipt and approval by the commissioner of the equipment purchase contract between the vendor and the council.
50% of grant amount	Upon acceptance of equipment as fully operational by the council and inspection by the commissioner's designee to insure contract compliance.

AMENDMENT TO THE REGULATIONS

OF THE COMMISSIONER OF EDUCATION

Pursuant to Sections 207 and 236 of the Education Law

1. Subdivision (a) of Section 179.1 of the Regulations of the Commissioner of Education is amended, effective April 30, 1979 as follows:

(a) Council means a regents chartered [broadcasting] public television or public television and radio corporation designated by the department to provide a major broadcast station and production studio facilities in the municipalities of Binghamton, Buffalo, Garden City, New York City, Rochester, Schenectady, Syracuse, Watertown, Plattsburgh and any other municipality the commissioner may designate.

2. Subdivision (d) of Section 179.1 of the Regulations of the Commissioner of Education is added, effective March 23, 1979 as follows:

(d) Public radio corporation means a regents chartered group designated by the department to provide radio broadcast services within the State of New York.

3. The introductory paragraph of Section 179.2 of the Regulations of the Commissioner of Education is amended, effective April 30, 1979 as follows:

179.2 Amount of operating aid to councils. The commissioner shall make a specific allocation of funds to each council. The amount of operating aid to each council shall not exceed the actual expenditures by each council for approved operating purposes as reported in the last available annual audit. If during the initial year of operation a council operates a station for less than 12 months, the expenditures shall be computed on a 12 month basis, and aid shall not exceed such expenditures for a 12 month period. Funds shall be apportioned to each council within the limitation set forth above and the limit of the appropriation therefore, and in accordance with the following formula:

4. Subdivision (a) of Section 179.2 of the Regulations of the Commissioner of Education is amended, effective April 30, 1979 as follows:

(a) Base amount. A base amount of [$250,000] $350,000 shall first be allocated to each operating council during each fiscal year.

5. Paragraph (3) of subdivision (b) of Section 179.2 of the Regulations of the Commissioner of Education is repealed, effective April 30, 1979.

6. The Regulations of the Commissioner of Education are amended, effective April 30, 1979, by the addition of a new section 179.7 to read as follows:

179.7 Creation of public radio corporations. The Board of Regents may incorporate any group, institution or association for the purpose of constructing, owning, operating or maintaining a non-profit and non-commercial public radio station for providing educational radio programs. Such radio stations must meet the following criteria: broadcast at least eighteen hours per day, 365 days per year, operate with a staff of no less than five full-time professionals paid at least the federal minimum wage, a budget that includes at least $80,000 of non-federal income and an effective radiated power equivalent to 3,000 watts at 500 feet above average terrain for FM radio stations or 250 watts for AM radio stations, and have a board of directors broadly representative of the community which shall be responsible for program, budget and staff policy. They must meet all Federal requirements to qualify as a public radio station as established by the Corporation for Public Broadcasting. Any such corporation shall be subject to all the provisions applicable to corporations created by the Board of Regents.

7. The Regulations of the Commissioner of Education are amended, effective April 30, 1979, by the addition of a new

section 179.8 to read as follows:

179.8 Amount of operating aid to public radio corporations. Such funds as are annually appropriated to assist approved radio programming operational expenses shall be divided equally among eligible public radio corporations which have been chartered by the Board of Regents but not to exceed $50,000 per radio station. However, such grants to any one station shall not exceed that station's approved program operating expenses nor its non-Federal income from the previous fiscal year. Approved program operating expenses, for purposes of this provision, shall include the cost of transmission, a full-time manager, professional writers, producers, directors, talent, technicians, the rental, lease or purchase of recorded program materials, and production; overhead costs shall not be included in such calculations. Such funds provided by the State shall be limited in use for the operation of the radio service. "/1/r"

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1979
RATIFIED BILL

CHAPTER 900

SENATE Bill 631

AN ACT TO ESTABLISH THE NORTH CAROLINA AGENCY FOR PUBLIC TELECOMMUNICATIONS.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Chapter 143B of the General Statutes is amended by adding a new Part 20 to read as follows:

"PART 20.

"NORTH CAROLINA AGENCY FOR PUBLIC TELECOMMUNICATIONS.

"§ 143B-422.1. Definitions.--As used in this Part, except where the context clearly requires otherwise:

(1) 'Agency' means the North Carolina Agency for Public Telecommunications.

(2) 'Board' means the Board of Public Telecommunications Commissioners.

(3) 'Telecommunications' means any origination, creation, transmission, emission, storage-retrieval, or reception of signs, signals, writing, images and sounds, or intelligence of any nature, by wire, radio, television, optical or other electromagnetic systems.

"§ 143B-422.2. North Carolina Agency for Public Telecommunications; creation; membership; appointments, terms and vacancies; officers; meetings and quorum; compensation.--The North Carolina Agency for Public Telecommunications is created.

It is governed by the Board of Public Telecommunications Commissioners, composed of 27 members as follows:

(1) a Chairman appointed by, and serving at the pleasure of, the Governor;

(2) 10 at-large members, appointed by the Governor from the general public;

(3) two members of the North Carolina House of Representatives, appointed by the Speaker of the House of Representatives;

(4) two members of the North Carolina Senate, appointed by the President of the Senate;

(5) the Secretary of Administration, ex officio;

(6) the Chairman of the Board of Trustees of The University of North Carolina Center for Public Television (if and when established), ex officio;

(7) the Chairman of the State Board of Education, ex officio;

(8) the Chairman of the North Carolina Privacy and Freedom of Information Commission (if and when established), ex officio;

(9) the Chairman of the North Carolina Utilities Commission, ex officio;

(10) the Director of the Public Staff of the North Carolina Utilities Commission, ex officio;

(11) the Chairman of the Public Radio Advisory Committee of the North Carolina Agency for Public Telecommunications, ex officio;

(12) the Superintendent of Public Instruction, ex officio;

(13) the President of The University of North Carolina, ex

officio;

(14) the President of the Department of Community Colleges, ex officio; and

(15) two members ex officio who shall rotate from among the remaining heads of departments enumerated in G.S. 143A-11 or G.S. 143B-6, appointed by the Governor.

The 10 at-large members shall serve for terms staggered as follows: four terms shall expire on June 30, 1980; and three terms shall expire on June 30, 1982; and three terms shall expire on June 30, 1984. Thereafter, the members at large shall be appointed for full four-year terms and until their successors are appointed and qualified. In making appointments of members at large, the Governor shall seek to appoint persons from the various geographic areas of the State including both urban and rural areas; persons from various classifications as to sex, race, age, and handicapped persons; and persons who are representatives of the public broadcast, commercial broadcast, nonbroadcast distributive systems and private education communities of the State.

The terms of the ex officio members are coterminous with their respective terms of office. In the event that any of the offices represented on the Board ceases to exist, the successor officer to the designated member shall become an ex officio member of the Board; if there shall be no successor, then the position on the Board shall be filled by a member to be appointed by the Governor from the general public. The ex officio members shall have the right to vote.

The terms of the members of the North Carolina House of Representatives and the North Carolina Senate are coterminous with their terms in office and until their successors are appointed and qualified.

The terms of the rotating ex officio members shall be of one-year duration, and the schedule of rotation is determined by the Governor.

Each State official who serves on the Board may designate a representative of his department, agency or institution to sit in his place on the Board and to exercise fully the official's privileges of membership.

The Secretary of Administration or his designee serves as secretary of the Board.

Ad interim appointments to fill vacancies on the Board are for the balance of the unexpired term and are made in the same manner as was the original appointment.

The Governor may remove any member of the Board from office in accordance with the provisions of G.S. 143B-16.

The Board meets quarterly and at other times at the call of the Chairman or upon written request of at least six members.

A majority of the Board members shall constitute a quorum for the transaction of business.

"§ 143B-422.3. Purpose of Agency.--The North Carolina Agency for Public Telecommunications shall serve as an instrumentality of the State of North Carolina for the accomplishment of the following general purposes:

(1) to advise the Governor, the Council of State, the

principal State departments, The University of North Carolina, the General Assembly and all other State agencies and institutions on all matters of telecommunications policy as may affect the State of North Carolina and its citizens;

(2) to foster and stimulate the use of telecommunications programming, services and systems for noncommercial educational and cultural purposes by public agencies for the improvement of the performance of governmental services and functions;

(3) to serve State government, local governments and other public agencies and councils in the following ways:

(a) to provide a clearinghouse of information about innovative projects, programs or demonstrations in telecommunications;

(b) to provide advice on the acquisition, location and operation of telecommunications systems, equipment, and facilities and to provide particularly such advice as may foster compatibility of systems, equipment and facilities and as may reduce or eliminate duplication or mismatching of systems and facilities;

(c) to provide advice on the disposition of excess or unused telecommunications equipment;

(d) to provide information and advice on new telecommunications developments and emerging technologies;

(e) to provide advice on procurement matters on all purchases and contracts for telecommunications systems, programming and services;

(f) to provide information and advice on the most cost-effective means of using telecommunications for management, operations and service delivery;

(g) to provide advice and assistance in the evaluation of alternative media programming so that the most efficient and effective products may be developed and used;

(h) to provide advice and assistance in the identification of various methods of distributing programs and materials;

(4) to study the utilization of the frequency spectrum and to advise appropriate authorities as to effective frequency management;

(5) to assist in the development of a State plan or plans for the best development of telecommunications systems, both public and private, to insure that all citizens of North Carolina will enjoy the benefits which such systems may deliver;

(6) in addition to and not in place of the programs, projects, and services of The University of North Carolina Center for Public Television (or its functional predecessor), to develop and provide media programs and programming materials and services of a noncommercial educational, informational, cultural or scientific nature;

(7) to undertake innovative projects in interactive telecommunications and teleconferencing whenever such projects might serve to improve services, expand opportunities for citizen

participation in government and reduce the costs of delivering a service;

(8) to serve as a means of acquiring governmental and private funds for use in the development of services through telecommunications;

(9) to serve as a means of distributing State funds and awarding grants for any purpose determined to be in furtherance of the purposes of this Part;

(10) to operate such telecommunications facilities or systems as may fall within the purview of this Part or as may be assigned to the Agency by the the Governor, by the General Assembly, or by the Secretary of Administration consistent with the provisions of G.S. 143-340(14);

(11) to review, assess and report to the Governor on an annual basis on the telecommunications needs and services of State and local government and on the production capabilities and services, the nonproduction services, and the research and development services offered by the Agency and by all other agencies of State government;

(12) to review, assess and report to the Governor, after a period of not less than two years and not more than three years after the enactment of this Part, on the telecommunications statutes, plans and operations in State government, including those resulting from the enactment of this Part and from revision of statutes pertaining to telecommunications in the Department of Administration;

(13) to serve as liaison between State government and local

governments, regional organizations, the federal government, foundations and other states and nations on common telecommunications concerns;

(14) to study and evaluate all existing or proposed statutes, rules or regulations at all levels of government touching upon or affecting telecommunications policy, services, systems, programming, rates or funds and to advise the appropriate officials, agencies and councils;

(15) to acquire, construct, equip, maintain, develop and improve such facilities as may be necessary to the fulfillment of the purpose of the Part;

(16) to provide information and advice on any related matter which may be referred to it by any agency or council of State or local government;

(17) and in general to do and perform any act or function which may tend to be useful toward the development and improvement of telecommunications services within State government and which may increase the delivery of services through telecommunications programs or systems.

The enumeration of the above purposes shall not limit or circumscribe the broad objective of developing to the utmost the possibilities of telecommunications programming, services and systems in the State of North Carolina.

"§ 143B-422.4. Powers of Agency.--In order to enable it to carry out the purposes of this Part, the Agency:

(1) has the powers of a body corporate, including the power to sue and be sued, to make contracts, to hold and own copyrights

and to adopt and use a common seal and to alter the same as may be deemed expedient;

(2) may make all necessary contracts and arrangements with any parties which will serve the purposes and facilitate the business of the North Carolina Agency for Public Telecommunications; except that, the Agency may not contract or enter into any agreement for the production by the Agency of programs or programming materials with any person, group, or organization other than government agencies; principal State departments; public and noncommercial broadcast licensees;

(3) may rent, lease, buy, own, acquire, mortgage, or otherwise encumber and dispose of such property, real or personal; and construct, maintain, equip and operate any facilities, buildings, studios, equipment, materials, supplies and systems as said Board may deem proper to carry out the purposes and provisions of this Part;

(4) may establish an office for the transaction of its business at such place or places as the Board deems advisable or necessary in carrying out the purposes of this Part;

(5) may apply for and accept loans and grants of money from any federal agency or the State of North Carolina or any political subdivision thereof or from any public or private sources for any and all of the purposes authorized in this Part; may extend or distribute the funds in accordance with directions and requirements attached thereto or imposed thereon by the federal agency, the State of North Carolina or any political subdivision thereof, or any public or private lender or donor;

and may give such evidences of indebtedness as shall be required, but no indebtedness of any kind incurred or created by the Agency shall constitute an indebtedness of the State of North Carolina or any political subdivision thereof, and no such indebtedness shall involve or be secured by the faith, credit or taxing power of the State of North Carolina or any political subdivision thereof. At no time may the total outstanding indebtedness of the Agency, excluding bond indebtedness, exceed five hundred thousand dollars ($500,000) without approval of the Advisory Budget Commission;

(6) may pay all necessary costs and expenses involved in and incident to the formation and organization of the Agency and incident to the administration and operation thereof, and may pay all other costs and expenses reasonably necessary or expedient in carrying out and accomplishing the purposes of this Part;

(7) subject to the approval of the Advisory Budget Commission and under such conditions as the Board may deem appropriate to the accomplishment of the purposes of this Part, may distribute in the form of grants, gifts, or loans any of the revenues and earnings received by the Agency from its operations;

(8) may adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted and in which the power granted to it may be exercised, and may provide for the creation of such divisions and for the appointment of such committees, and the functions thereof, as the Board deems necessary or expedient in facilitating the business and purposes of the Agency;

(9) the Board shall be responsible for all management functions of the Agency. The Chairman shall serve as the chief executive officer and shall have the responsibility of executing the policies of the Board. The Executive Director shall be the chief operating and administrative officer and shall be responsible for carrying out the decisions made by the Board and its Chairman. The Executive Director shall be appointed by the Governor upon the recommendation of the Board and shall serve at the pleasure of the Governor. The salary of the Executive Director shall be fixed by the Governor subject to the approval of the Advisory Budget Commission. Subject to the approval of the Board, the Executive Director may appoint, employ, dismiss and fix the compensation of such administrative, clerical and other employees as the Board deems necessary to carry out the purposes of this Part; but the salaries of all employees designated by the Board as professional personnel shall be fixed by the Governor; and any employee who serves as the director of any division of the agency which may be established by the Board shall be appointed with the additional approval of the Secretary of Administration. There shall be an executive committee consisting of three of the appointed members and three of the ex officio members elected by the Board and the Chairman of the Board, who shall serve as chairman of the executive committee. The executive committee may do all acts which are authorized by the bylaws of the Agency. Members of the executive committee shall serve until their successors are elected;

(10) may do any and all other acts and things in this Part

authorized or required to be done, whether or not included in the general powers in this section; and

(11) may do any and all things necessary to accomplish the purposes of this Part.

Nothing herein authorizes the Agency to exercise any control over any public noncommercial broadcast licensee, its staff or facilities or over any community antenna television system (Cable TV; CATV), its staff, employees or facilities operating in North Carolina, or the Police Information Network (PIN), its staff, employees or facilities or the Judicial Department.

The property of the Agency shall not be subject to any taxes or assessments.

"§ 143B-422.5. Public Radio Advisory Committee; policy; creation; duties; members.--It is the policy of the State of North Carolina that at least one public radio signal shall be made available to every resident of North Carolina, that there be diversity in the kinds of public radio licensees, that there be a uniform policy for extending State financial aid to stations eligible to participate in federal funds for public radio, that State financial support shall constitute less than one half of the operating budget of any station, that program content shall not be influenced by the State by virtue of State financial support to the stations, and that technical facilities be established and operated to achieve station interconnection.

The Public Radio Advisory Committee of the North Carolina Agency on Public Telecommunications is created. That Committee shall advise the Board on the distribution of State funds to public radio licensees in North Carolina and on any other matter which the Board may refer to it. There shall be nine members of said Committee; three of whom shall be representatives selected by the public radio broadcast licensees in the State; six of whom shall be at-large members chosen by the Governor from the general public. The members shall choose one of the at-large members to serve as Chairman of the Committee; and that Chairman shall serve ex officio as a member of the Board. The terms of the members of the Committee shall be established by the Board.

"§ 143B-422.6. Approval of acquisition and disposition of real property.--Any transaction relating to the acquisition or disposition of any estate or interest in real property by the North Carolina Agency for Public Telecommunications shall be subject to prior review by the Governor and Council of State, and shall become effective only after the transaction has been approved by the Governor and Council of State. Upon the acquisition of an estate in real property by the North Carolina Agency for Public Telecommunications, the fee title or other estate shall vest in and the instrument of conveyance shall name 'North Carolina Agency for Public Telecommunications' as grantee, lessee, or transferee. Upon the disposition of an interest or estate in real property, the instrument of lease conveyance or transfer shall be executed by the North Carolina Agency for Public Telecommunications. The approval of any transaction by the Governor or Council of State shall be evidenced by a duly certified copy of excerpt of minutes of the meeting of the Governor and the Council of State, attested by the Governor or by the private secretary to the Governor, reciting the approval, affixed to the instrument of acquisition or transfer; the certificate may be recorded as a part of the instrument, and shall be conclusive evidence of review and approval of the subject transaction by the Governor and Council of State. The Governor, acting with the approval of the Council of State, may delegate the review and approval of such classes of lease, rental, easement or right-of-way transactions as he deems advisable, and he may likewise delegate the review and approval of the severance of buildings and timber from the land.

"§ 143B-422.7. Issuance of bonds.--(a) As a means of raising the funds needed from time to time in the acquisition, construction, equipment, maintenance and operation of any facility, building, structure, telecommunications equipment or systems or any other matter or thing which the Agency is herein authorized to acquire, construct, equip, maintain, or operate, the Agency may, with the approval of the Advisory Budget Commission, at one time or from time to time issue negotiable revenue bonds of the Agency. The principal and interest of the revenue bonds shall be payable solely from the revenues to be derived from the operation of all or any part of the Agency's properties and facilities. A pledge of the net revenues derived from the operation of specified properties and facilities of the Agency may be made to secure the payment of the bonds as they mature. Revenue bonds issued under the provisions of this Part shall not be deemed to constitute a debt of the State of North Carolina or a pledge of the faith and credit of the State. The issuance of revenue bonds shall not directly or indirectly or contingently obligate the State to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment. The bonds and the income therefrom shall be exempt from all taxation within the State.

"§ 143B-422.8. Exchange of property; removal of building, etc.--The Agency may exchange any property or properties acquired under the authority of this Chapter for other property or properties usable in carrying out the powers hereby conferred, and also may remove from lands needed for its purposes and reconstruct on other locations, buildings, facilities, equipment, telecommunications systems or other structures, upon the payment of just compensation.

"§ 143B-422.9. Treasurer of the Agency.--The Board shall select its own treasurer from among the at-large members. The Board shall require a corporate surety bond of the treasurer in an amount fixed by the Board, and the premium or premiums thereon shall be paid by the Board as a necessary expense of the Agency.

"§ 143B-422.10. Deposit and disbursement of funds.--All Agency funds shall be handled in accordance with the Executive Budget Act.

"§ 143B-422.11. Annual audit; copies to be furnished.--At least once in each year the State Auditor shall cause to be made a detailed audit of all monies received and disbursed by the Agency during the preceding year. The audit shall show the several sources from which funds were received and the balance on hand at the beginning and end of the preceding year and shall show complete financial condition of the Agency. A copy of the audit shall be furnished to each member of the Board and to the officers thereof and to the Governor, the Department of Administration and the Attorney General.

"§ 143B-422.12. Purchase of supplies, material and equipment.--All the provisions of Article 3 of Chapter 143 of the General Statutes relating to the purchase of supplies, material and equipment by the State government are applicable to the North Carolina Agency for Public Telecommunications.

"§ 143B-422.13. Liberal construction of Part.--It is intended that the provisions of this Part shall be liberally construed to accomplish the purposes provided for herein."

Sec. 2. The costs incurred in providing facilities, equipment, staff, and operating expenses of the Agency for Public Telecommunications shall be paid from funds appropriated to the Department of Administration for that purpose.

Sec. 3. This act is effective upon July 1, 1979.

In the General Assembly read three times and ratified, this the 8th day of June, 1979.

JAMES C. GREEN

James C. Green

President of the Senate

CARL J. STEWART, JR.

Carl J. Stewart, Jr.

Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1979
RATIFIED BILL

CHAPTER 649

HOUSE BILL 1058

AN ACT TO AUTHORIZE ESTABLISHMENT OF THE UNIVERSITY OF NORTH CAROLINA CENTER FOR PUBLIC TELEVISION.

The General Assembly of North Carolina enacts:

Section 1. There is hereby written a new G.S. 116-37.1, to read as follows:

"§ 116-37.1. Center for public television.--(a) The Board of Governors is hereby authorized and directed to establish 'The University of North Carolina Center for Public Television' (hereinafter called 'the Center'). It shall be the functions of the Center, through itself or agencies with whom it may contract, to provide research, development, and production of noncommercial educational television programming and program materials; to provide distribution of noncommercial television programming through the broadcast facilities licensed to The University of North Carolina; and otherwise to enhance the uses of television for public purposes.

(b) The Center shall have a board of trustees, to be named 'The Board of Trustees of The University of North Carolina Center for Public Television' (hereinafter called 'the Board of Trustees'). The Board of Governors is hereby authorized and directed to establish the Board of Trustees of the Center and to delegate to the board of trustees such powers and duties as the Board of Governors deems necessary or appropriate for the effective discharge of the functions of the Center; provided, that the Board of Governors shall not be deemed by the provisions of this section to have the authority to delegate any responsibility it may have as licensee of the broadcast facilities of The University of North Carolina.

(l) The Board of Trustees of The University of North Carolina Center for Public Television shall be composed of the following membership: eleven persons appointed by the Board of Governors; four persons appointed by the Governor; one Senator appointed by the President of the Senate; one member of the House of Representatives appointed by the Speaker of the House; and ex officio, the Secretary of the Department of Cultural Resources, the Secretary of the Department of Human Resources, the Superintendent of Public Instruction, the State President of the Community College System, and the President of The University of North Carolina. In making initial appointments to the board of trustees, the Board of Governors shall designate six persons for two-year terms and five persons for four-year terms, and the Governor shall designate two persons for two-year terms and two persons for four-year terms. Thereafter, the term of office of appointed members of the Board of Trustees of the Center shall be four years. In making appointments to the board of trustees the appointing authorities shall give consideration to promoting diversity among the membership, to the end that, in meeting the responsibilities delegated to it, the board of trustees will reflect and be responsive to the diverse needs, interests, and concerns of the citizens of North Carolina.

(2) No person shall be appointed to the board of trustees who is an employee of the State or of any constituent institution; a public officer of the State as defined in G.S. 147-1, G.S. 147-2, and G.S. 147-3(c); a member of the Board of Governors; a trustee of a constituent institution; or the spouse of any of the foregoing. Any appointed member of the board of trustees who after appointment becomes any of the foregoing shall be deemed to have resigned from the board of trustees.

(3) Each ex officio member of the board of trustees shall personally serve on the board of trustees but may designate in writing a proxy for specified meetings which the ex officio member finds he or she is unable reasonably to attend.

(4) Each appointive member of the board of trustees shall personally serve on the board of trustees without benefit of proxy. Any appointive member who fails, for any reason other than ill health or service in the interest of the State or the nation, to attend three consecutive regular meetings of the

board of trustees, shall be deemed to have resigned from the board of trustees.

(5) Any vacancy which occurs during a term among the appointive membership of the board of trustees shall be filled for the remainder of the unexpired term by appointment of the original appointing authority for the vacant seat. The principal officer of the board of trustees shall promptly notify the Secretary of The University of North Carolina of the vacancy and the Secretary shall give written notice of the vacancy to the appropriate appointing authority.

(c) The chief administrative officer of the Center shall be a Director, who shall be elected by the Board of Governors upon recommendation of the President and who shall be responsible to the President. The Center shall have such other staff as the Board of Governors may authorize."

Sec. 2. G.S. 116-36 is hereby amended by redesignating subsections (j) and (k) thereof as subsections (k) and (l), respectively, and inserting a new subsection (j), to read as follows:

"(j) The Board of Governors of The University of North Carolina shall establish and maintain in a manner not inconsistent with the provisions of this section or with regulations established under this section an endowment fund for all endowment funds now held or hereafter acquired for the benefit of The University of North Carolina Center for Public

Television."

Sec. 3. G.S. 116-36 at newly designated (k) thereof is amended in the third line by inserting after the word "Press," the phrase "or to The University of North Carolina Center for Public Television."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1979.

JAMES C. GREEN

James C. Green

President of the Senate

CARL J. STEWART, JR.

Carl J. Stewart, Jr.

Speaker of the House of Representatives

CHAPTER 15-65

EDUCATIONAL BROADCASTING COUNCIL

Section
15-65-01 North Dakota educational broadcasting council — Creation—Purpose.
15-65-02 Membership — Appointment—Term—No compensation — Expenses—Organization.
15-65-03 Powers and duties.
15-65-04 Prohibitions.

15-65-01. North Dakota educational broadcasting council—Creation—Purpose.—The North Dakota legislature hereby creates the North Dakota educational broadcasting council for the purpose of encouraging and directing the creation of educational radio and television facilities within the state of North Dakota.

Source: S. L. 1969, ch. 188, § 1.

Cross-Reference.

Educational television services, contracts for, see § 15-47-36.

15-65-02. Membership—Appointment—Term—No compensation — Expenses—Organization.—The North Dakota educational broadcasting council shall be composed of twelve members as follows: two ex officio members, one appointed by the board of higher education, one appointed by the superintendent of public instruction, and eight appointed by the governor.

1. The ex officio members shall be:

   The state superintendent of public instruction or his designated representative from that office.

   The commissioner of higher education or his designated representative from that office.

2. The appointed members shall be drawn from the public at large with no fewer than four from the western half of the state and no fewer than four from the eastern half of the state. The term of office shall be seven years, except that of the original appointees, two shall serve one year, two shall serve three years, two shall serve five years, and two shall serve seven years, which appointees to be determined by lot.

3. No member shall receive any compensation but shall be reimbursed for reasonable and necessary expenses incurred in connection with

service on the council. The governor shall call the initial meeting of the council at which time the council shall elect its chairman and other officers and take such other action as it deems appropriate.

Source: S. L. 1969, ch. 188, § 2.

Cross-Reference.

Governor's appointment of majority of members of council, see § 54-07-01.2.

15-65-03. Powers and duties.—The council is directed:

1. To be concerned with the development of statewide educational television and radio facilities.
2. To hold coordinating authority for the development of such statewide educational radio and television facilities as may be required to serve the entire state.
3. To assist any organization, state agencies, or both in the preparation, filing, and prosecution before the federal communications commission such applications, reports, or other documents or requests for authorization of any kind as may be necessary or appropriate to achieve the purposes of this chapter.
4. To receive gifts and contributions from public and private sources to be expended through the stations to provide educational broadcasting facilities and programs, provided before accepting any tax-producing facilities the commission must first be given the approval by the legislative council's subcommittee on budget.
5. To be concerned with the activation of educational broadcasting channels presently assigned to North Dakota and/or the reallocation or addition of such channels as are determined to be in the best interests of the people of the state.
6. To actively cooperate with the state department of public instruction and the state board of higher education and other agencies and private organizations for the purpose of developing statewide educational broadcasting projects.
7. To adopt bylaws for the conduct of its affairs.
8. To publish such informational material as it deems necessary.
9. To carry on a continuing study relating to the needs, resources, and facilities which are available or may be required to establish educational radio and television facilities throughout the entire state.
10. To contract with eligible applicants to build and operate public television stations in this state. Eligible applicants are those licensed by the federal communications commission to operate noncommercial public television stations. Operational contracts shall not exceed the amount raised within the preceding fiscal year by the applicant from nontax sources in this state.

Source: S. L. 1969, ch. 188, § 3. (§§ 1-9).

Source: N.D.C.C.; S. L. 1977, ch. 188, § 1. (§ 10).

15-65-04. Prohibitions.—Nothing in this chapter shall imply or express the intent of the council to license or operate educational broadcasting stations, nor to request the appropriation of state funds for the council's operation of such stations.

Source: S. L. 1969, ch. 188, § 4.

15-47-36. Contracts authorized for educational television. — The superintendent of public instruction may contract, for a period of not to exceed two years, with provisions for its renewal for like periods, with a nonprofit corporation for the purpose of providing the people of the state with educational television services in the fields of elementary, secondary, and higher education, adult education, and other fields tending to promote cultural development.

Source: S. L. 1961, ch. 140, § 2.

CHAPTER 3353: EDUCATIONAL TELEVISION

Section

3353.01 Definitions.
3353.02 Ohio education network commission.
3353.03 Selection of officers; funds.
3353.04 Powers of commission.
3353.05 Payments to educational television stations.

§ 3353.01 Definitions.

As used in sections 3353.01 to 3353.04, inclusive, of the Revised Code:

(A) "Educational television" means television programs which serve the educational needs of the community and which meet the requirements of the federal communications commission for noncommercial educational television.

(B) "Educational television network" means a system of connected educational television facilities and coordinated programs established and operated or controlled by the Ohio educational television network commission, pursuant to sections 3353.01 to 3353.04, inclusive, of the Revised Code.

(C) "Transmission" means the sending out of television programs, either directly to the viewing public, or to broadcasting stations for simultaneous broadcast or rebroadcast.

(D) "Transmission facilities" means structures, equipment, material, and services used in the transmission of educational television programs.

(E) "Interconnection facilities" means the equipment, material, and services used to link one location to another location or to several locations by means of telephone line, coaxial cable, or microwave relays.

(F) "Broadcasting station" means a properly licensed noncommercial educational television station, appropriately staffed and equipped to produce programs or lessons and to broadcast televised programs.

(G) "Production center" means a television production studio, staffed and equipped with television cameras and other equipment, material, and supplies necessary to produce a program or a lesson for broadcast or for recording on film or video tape.

HISTORY: 129 v 453 (454), § 1. Eff 10-5-61.

Comparative Legislation

Cal.—Deering, Educ, § 892.6
Ill.—Rev Stat, 1965, ch 122, § 851 et seq
Ind.—Burns' Stat, 1970 Repl, § 28-5501 et seq
Ky.—KRS § 168.010 et seq
Mass.—Ann Laws, ch 75, § 37
Mich.—Compiled Laws, § 388.1041 et seq
N.Y.—Consol Laws, Educ, §§ 213, 236
Pa.—Purdon's Stat, tit 24, § 5-523
Tenn.—Code Ann, § 49-3801 et seq
W.Va.—Code 1966, § 10-5-1 et seq

Law Review

Ohio Educational TV Network. 30 OhioBJ 1321 (1977).

CASE NOTES AND OAG

1. (1977) The authority of the Ohio Educational Television Network Commission with respect to educational radio is limited to the powers granted in RC § 3353.04(G): OAG No. 77-059.

§ 3353.02 Ohio education network commission.

There is hereby created the Ohio educational television network commission which shall consist of eleven members, one of whom shall be the state superintendent of public instruction and another of whom shall be the chancellor of the Ohio board of regents. The remaining nine members shall be appointed by the governor subject to the advice and consent of the senate. The terms of the members shall be for four years, commencing on the ninth day of November and ending on the eighth day of November. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of his term until his successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The members of the commission shall serve without pay but shall receive actual and necessary traveling and other expenses incurred while on official business in the manner and at the rates provided by the rules and regulations of the office of budget and management governing travel.

• HISTORY: 135 v S 131 (Eff 8-21-73); 135 v S 174 (Eff 12-4-73); 136 v H 1. Eff 6-13-75.

The 136 v H 1 amendment repeats the amendment made in 135 v S 131, eff 8-21-73.

Research Aids

Commission created
O-Jur2d: Schools § 18
Am-Jur: Public Officers §§ 90-93, 100-103, 113

§ 3353.03 Selection of officers; funds.

The Ohio educational television network commission shall be an independent agency. ◆ The commission shall elect its own officers, prescribe its own rules of procedure, and employ such personnel as are necessary to carry out its functions. Expenses of the commission may be paid from funds appropriated to the commission, or from such other funds as may be made available to carry out the provisions of sections 3353.01 to 3353.04 ◆ of the Revised Code.

• HISTORY: 135 v S 174. Eff 12-4-73.

Research Aids

Offices, funds
O-Jur2d: Schools § 18

§ 3353.04 Powers of commission.

The Ohio educational television commission may:

(A) Own and operate transmission facilities and interconnection facilities, or contract for transmission facilities and interconnection facilities, for an educational television network;

(B) Establish standards for interconnection facilities used in the transmission of educational television by the commission;

(C) Enter into agreement with noncommercial educational television broadcasting stations for the transmission to the broadcasting stations of identical programs for broadcasting either simultaneously or through the use of transcription discs, tapes, or film;

(D) Enter into agreements with noncommercial educational television production centers and broadcasting stations for the production and use of educational television programs to be transmitted by the educational television network;

(E) Execute contracts and other agreements necessary and desirable to carry out the purposes of sections 3353.01 to 3353.04, inclusive, of the Revised Code;

(F) Determine programs to be distributed through the Ohio educational television network;

(G) Act as consultant with educational television and educational radio stations toward coordination within the state of the distribution of federal funds that may become available for the development of educational broadcasting.

(H) Make payments to non-commercial Ohio educational television broadcasting stations to sustain the operation of such stations, and may consign equipment to them in exchange for services rendered.

HISTORY: 129 v 433 (435), § 1 (Eff 10-5-61); 132 v S 382, § 1. Eff 12-13-67.

Research Aids

Powers

O-Jur2d: Schools § 18

CASE NOTES AND OAG

1. (1977) The authority of the Ohio Educational Television Network Commission with respect to educational radio is limited to the powers granted in RC § 3353.04(G): OAG No. 77-059.

§ 3353.05 Payments to educational television stations.

A board of county commissioners may pay to any noncommercial educational television broadcasting station located in the county or serving any part of the county an amount not to exceed five cents annually on each one thousand dollars of the total value of all property within the county as listed and assessed for taxation at the close of the fiscal year immediately preceding the year in which the payment is made.

HISTORY: 132 v H 675, § 1. Eff 12-14-67.

ALR

Validity and construction of municipal ordinances regulating community antenna television service (CATV). 41 ALR3d 384.

§ 5705.05 Purpose and intent of general levy for current expenses.

The purpose and intent of the general levy for current expenses is to provide one general operating fund derived from taxation from which any expenditures for current expenses of any kind may be made, and the taxing authority of a subdivision may include in such levy the amounts required for carrying into effect any of the general or special powers granted by law to such subdivision, including the acquisition or construction of permanent improvements and the payment of judgments, but excluding the construction, reconstruction, resurfacing, or repair of roads and bridges in counties and townships and the payment of debt charges. The power to include in the general levy for current expenses additional amounts for purposes for which a special tax is authorized shall not affect the right or obligation to levy such special tax. Without prejudice to the generality of the authority to levy a general tax for any current expense, such general levy shall include:

(E) In the case of counties, the amounts necessary for the maintenance, operation, and repair of public buildings, for the relief and support of the poor, for the relief of needy blind, for the support of mental health services, for the support of mental retardation services, for the relief of honorably discharged soldiers, indigent soldiers, sailors, and marines, for mothers' pension fund, support of soil and water conservation districts, watershed conservancy districts, educational television, the prevention, control, and abatement of air pollution, and for the county's share of the compensation paid judges;

HISTORY: GC § 5625-5; 112 v 391, § 5; 124 v 264 (287), § 13; 132 v H 648 (Eff 10-26-67); 132 v H 675 (Eff 12-14-67); 133 v H 1 (Eff 3-18-69); 134 v S 370. Eff 12-23-71.

Approved: 1980

(Senate Bill No. 201)

AN ACT

To amend sections 3353.01 to 3353.05 of the Revised Code to change the title of the Ohio Educational Television Network Commission to the Ohio Educational Broadcasting Network Commission and to expand the educational television law to include radio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3353.01, 3353.02, 3353.03, 3353.04, and 3353.05 of the Revised Code be amended to read as follows:

Sec. 3353.01. As used in sections 3353.01 to ~~3353.04, inclusive,~~ 3353.05 of the Revised Code:

(A) "Educational television OR RADIO" means television OR RADIO programs which serve the educational needs of the community and which meet the requirements of the federal communications commission for noncommercial educational television OR RADIO.

(B) "Educational ~~television~~ BROADCASTING network" means a system of connected educational television OR RADIO facilities and coordinated programs established and operated or controlled by the Ohio educational ~~television~~ BROADCASTING network commission, pursuant to sections 3353.01 to 3353.04 ~~, inclusive,~~ of the Revised Code.

(C) "Transmission" means the sending out of television OR RADIO programs, either directly to the ~~viewing~~ public, or to broadcasting stations for simultaneous broadcast or rebroadcast.

(D) "Transmission facilities" means structures, equipment, material, and services used in the transmission of educational television OR RADIO programs.

(E) "Interconnection facilities" means the equipment, material, and services used to link one location to another location or to several locations by means of telephone line, coaxial cable, ~~or~~ microwave relays, OR OTHER AVAILABLE TECHNOLOGIES.

(F) "Broadcasting station" means a properly licensed noncommercial educational television OR RADIO station, appropriately staffed and equipped to produce programs or lessons and to broadcast ~~televised~~ programs.

(G) "Production center" means a television OR RADIO production studio, staffed and equipped with ~~television cameras and other~~ equipment, material, and supplies necessary to produce a program or a lesson for broadcast or for recording on film ~~or~~, video tape, OR AUDIO TAPE.

Sec. 3353.02. There is hereby created the Ohio educational ~~television~~ BROADCASTING network commission which shall consist of eleven members, one of whom shall be the state superintendent of public instruction and another of whom shall be the chancellor of the Ohio board of regents. The remaining nine members shall be appointed by the governor subject to the advice and consent of the senate. The terms of the members shall be for four years, commencing on the ninth day of November and ending on the eighth day of November. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of his term until his successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The members of the commission shall serve without pay but shall receive actual and necessary traveling and other expenses incurred while on official business in the manner and at the rates provided by ~~the~~ rules ~~and regulations~~ of the office of budget and management governing travel.

Sec. 3353.03. The Ohio educational ~~television~~ BROADCASTING network commission shall be an independent agency. The commission shall elect its own officers, prescribe its own rules of procedure, and employ such personnel as are necessary to carry out its functions. Expenses of the commission may be paid from funds appropriated to the commission, or from such other funds as may be made available to carry out the provisions of sections 3353.01 to 3353.04 of the Revised Code. THE COMMISSION MAY ACCEPT ANY PROPERTY OR FUNDS TO BE USED TO CARRY OUT THE PURPOSES OF SECTIONS 3353.01 TO 3353.04 OF THE REVISED CODE.

Sec. 3353.04. The Ohio educational ~~television~~ BROADCASTING commission may:

(A) Own and operate transmission facilities and interconnection facilities, or contract for transmission facilities and interconnection facilities, for an educational television OR RADIO network;

(B) Establish standards for interconnection facilities used in the transmission of educational television OR RADIO by the commission;

(C) Enter into agreement with noncommercial educational television OR RADIO broadcasting stations for the transmission to the broadcasting stations of identical programs for broadcasting either simultaneously or through the use of transcription discs, VIDEO tapes, ~~or~~ film, OR AUDIO TAPES;

(D) Enter into agreements with noncommercial educational television OR RADIO production centers and broadcasting stations for the production and use of educational television OR RADIO programs to be transmitted by the educational ~~television~~ BROADCASTING network;

(E) Execute contracts and other agreements necessary and desirable to carry out the purposes of sections 3353.01 to 3353.04 ~~, inclusive,~~ of the Revised Code;

(F) Determine programs to be distributed through the Ohio educational ~~television~~ BROADCASTING network;

(G) Act as consultant with educational television and educational radio stations toward coordination within the state of the distribution of federal funds that may become available for the development of educational broadcasting ~~.~~;

(H) Make payments to ~~non-commercial~~ NONCOMMERCIAL Ohio educational television OR RADIO broadcasting stations to sustain the operation of such stations, and may consign equipment to them in exchange for services rendered.

Sec. 3353.05. ~~A board of county commissioners~~ ANY TAXING AUTHORITY AS DEFINED IN SECTION 5705.01 OF THE REVISED CODE LOCATED IN A COUNTY may pay to any noncommercial educational television OR RADIO broadcasting station located in the county or serving any part of the county an amount not to exceed five cents annually on each one thousand dollars of the total value of all property within the county as listed and assessed for taxation at the close of the fiscal year immediately preceding the year in which the payment is made.

S. B. No. 201

SECTION 2. That existing sections 3353.01, 3353.02, 3353.03, 3353.04, and 3353.05 of the Revised Code are hereby repealed.

Vernal G. Riffe Jr.

Speaker __________ of the House of Representatives.

Oliver Ocasek

President __________ of the Senate.

Passed February 19, 1980

Approved March 13, 1980

James A. Rhodes

Governor.

S. B. No. 201

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

David A Johnston

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 13th day of March, A. D. 1980,

Anthony J. Celebrezze Jr.

Secretary of State.

File No. 214 Effective Date June 12, 1980

Oklahoma — Oklahoma Statutes Annotated, as amended by Cumulative Annual Pocket Part 1978-1979

ARTICLE XXIII. THE OKLAHOMA EDUCATIONAL TELEVISION AUTHORITY

Sec.
23-101. Purpose of the Television Authority.
23-102. Advertising unlawful.
23-103. Power to select advisory committee.
23-104. The meaning of words and terms.
23-105. Membership of Authority.
23-106. Powers of Authority.
23-107. Powers continued.
23-108. The Authority has power to condemn property.
23-109. Authority may issue revenue bonds.
23-110. Sinking Fund.
23-111. Creation of Sinking Fund.
23-112. Trust agreements.
23-113. Authority may collect fees.
23-114. Monies received are trust funds.
23-115. Rights of trustee.
23-116. Authority tax exempt.
23-117. Securities of bonds.
23-118. Projects to become part of the State Educational system.
23-119. Authority may contract with television stations.
23-120. Bond application may be filed with Oklahoma Supreme Court.
23-121. Authority is authorized to issue refunding bonds.
23-122. Authority must report to Legislature.
23-123. The article provides alternative methods for things authorized hereby.
23-124. Article to be liberally construed.
23-125. Public Employees Retirement System—Membership in [New].

Cross References

State indebtedness authorized for construction of buildings and other capital improvements, restriction against use by educational television authority, see Const. Art. 10, § 33.

§ 23-101. Purpose of the Television Authority

It is the intent of the Oklahoma Legislature and the purpose of this article to make educational television services available to all Oklahoma citizens on a coordinated statewide basis. Said educational television services shall be provided by and through the various educational and cultural agencies in the State of Oklahoma under the direction and supervision of the Oklahoma Educational Television Authority hereinafter created.

The Oklahoma Educational Television Authority is hereby authorized and empowered to plan, construct, repair, maintain and operate educational television facilities with channels assigned by the Federal Communications Commission to the State of Oklahoma for educational television purposes. The purpose of said Authority shall be to provide a statewide educational television system, including any arrangements for extension thereof and interchanges and rental as may be necessary in establishing such statewide facilities.

The Oklahoma Educational Television Authority is hereby authorized to issue revenue bonds of the Authority payable solely from dedicated revenues to pay the cost of providing educational television facilities as authorized in this article. Such revenue bonds shall never become obligations of the State of Oklahoma, but shall be retired by the Authority as provided in this article. Such revenue bonds shall contain on the face thereof a statement to the effect that neither the state nor the Authority shall be obligated to pay the same or the interest thereon except from revenues dedicated by the Legislature, and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged, or may hereafter be pledged, to the payment of the principal of, or the interest on, such bonds.

Laws 1971, c. 281, § 23-101, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 551, § 1.
70 O.S.1961, § 2141.

Cross References

Creation of authority, see § 23-105.
Educational television for higher education, see § 2166.

Library References

Telecommunications ⇐381.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 202, 316.

Notes of Decisions

1. Validity

By reason of severability clause in act creating the Oklahoma Educational Television Authority, the unconstitutionality of provisions relating to issuance of bonds does not affect or impair the other provisions. Application of Oklahoma Ed. Television Authority, Okl., 272 P.2d 1027 (1954).

§ 23-102. Advertising unlawful

It shall be unlawful for the Authority to permit any individual, company, corporation, or organization to advertise or otherwise attempt to sell its products or services through the use of the facilities controlled by the Authority; and it shall also be unlawful for said Authority to permit any individual or organization to in any way sponsor the election of any party or individual for any public office; provided, however, that nothing in this section shall be construed in a manner which would exclude announcements and programs of nonprofit charitable and educational organizations which are for the public good. Information programs sponsored by legally authorized agencies of the state and federal governments for the public good are to be considered proper program material. Provided further, that the influence, direction or attempt to influence or direct the program content or programs shown on public television by an elected official or his representative for the purposes of personal gain or political benefit, direct or indirect, shall be unlawful and that violation of this section shall be a misdemeanor punishable by a fine not to exceed One Thousand Dollars ($1,000.00) or imprisonment not to exceed one (1) year, or both.

Amended by Laws 1976, c. 276, § 4, emerg. eff. June 17, 1976.

Historical Note

Source:

Laws 1953, p. 332, § 2.
70 O.S.1961, § 2142.

Library References

Telecommunications ⇐436.	C.J.S. Telegraphs, Telephones, Radio, and Television §§ 294, 316.

§ 23-103. Power to select advisory committee

The Oklahoma Educational Television Authority shall have the power to organize and select an advisory committee, the membership of which shall not exceed thirty-five (35) persons who shall serve without compensation.

The Authority shall determine the membership of the committee and the time and number of meetings of such committee. It shall be the duty of this committee to assist the Authority in carrying out the provisions of this article. Although the final responsibility of operating television facilities rests with the Authority, it is the duty of the Authority to seek the advice and counsel of representative citizens of the state. The members of the advisory committee shall be selected from such sources as:

1. Oklahoma State Legislative Council;
2. State and independent educational organizations, including both common schools and institutions of higher learning;
3. Departments of the state government;
4. Educational representatives from those cities where educational television channels may be located;
5. Labor organizations;
6. Organizations of municipalities;
7. Business and professional organizations;
8. Charitable, social service, and civic organizations; and
9. Agricultural organizations.

Laws 1971, c. 281, § 23-103, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 332, § 3.
70 O.S.1961, § 2143.

Library References

Telecommunications ⇐44.	C.J.S. Telegraphs, Telephones, Radio, and Television § 16.

§ 23-104. The meaning of words and terms

As used in this article, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

1. The State Department of Education is that department of the state government in which are placed the agencies created or authorized by the Constitution and Legislature and are charged with the responsibility of determining the policies and directing the administration and supervision of the common school system of the state. These agencies are the State Board of Education, the State Superintendent of Public Instruction and such divisions and positions as may be established by law and by the State Board of Education.

2. The State Board of Education is that agency in the State Department of Education which is the governing board of said department and the common school system of the state.

3. The State Superintendent of Public Instruction is the elected official provided for in Article VI, Section 1, of the Constitution of Oklahoma, who is the executive officer of the State Board of Education.

4. The Oklahoma State Regents for Higher Education is that body created by Article XIII-A of the Constitution of Oklahoma to coordinate the affairs of all institutions of higher learning supported by taxation in the State of Oklahoma.

5. The common schools of Oklahoma are composed of private schools and all schools supported by public taxation and consist of elementary and secondary schools including not to exceed two (2) years of junior college work, night school, adult and other special classes and vocational instruction.

6. The institutions of higher learning consist of private institutions and all the state universities and colleges which are supported by public taxation or otherwise authorized by laws which are now in effect or which may be hereinafter enacted.

7. The word "Authority" shall mean the Oklahoma Educational Television Authority created by Section 23-105 of this article, or, if said Authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof, or to whom the power is given by law.

8. The word "facilities" shall mean channels, all equipment, and properties plus the construction and operation thereof at any given point, together with all rights, easements, leases, and interests which may be acquired by the Authority for said construction and operation which may be deemed necessary for the accomplishment of the purposes set forth in Section 23-101 of this article.

9. The word "cost" as applied to the facilities shall embrace the cost of construction, the cost of the acquisition of all land, rights-of-way, property, rights, easements, and interest acquired by the Authority for such construction, the costs of all machinery and equipment, financing charges, interest prior to and during construction, and costs of engineering and legal expenses, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such facilities, administrative expense and such other expense as may be necessary or incident to the construction of the facilities, the financing of such construction and the placing of the facilities in operation.

10. The word "owner" shall include all individuals, copartnerships, associations, or corporations having any title or interest in any property, rights, easements, and interest authorized to be acquired by this article.

11. The "Oklahoma Educational Television Network" shall include the educational television channels allocated to the state by the Federal Communications Commission and maintained and operated by the Oklahoma Educational Television Authority.

Laws 1971, c. 281, § 23–104, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 332, § 4.
70 O.S.1961, § 2144.

Cross References

Boxing, authority to offer as part of educational program, see § 602.

Common schools, see Const. Art. 13, § 1A.

Coordination of private, denominational and other institutions of higher learning, see Const. Art. 13–A, § 4.

Guaranteed student loans, see § 623 et seq.

Oklahoma state regents for higher education, see § 3202 et seq.: Const. Art. 13–A, § 2.

Parochial and private schools, classification as accreditation, see § 3–104.

State board of education, see § 3–101 et seq.: Const. Art. 13, § 5.

State department of education, see §§ 1–105, 3–101 et seq.

State superintendent of public instruction, see §§ 1–105, 1–115, 3–101, 3–104 et seq.: Const. Art. 6, §§ 1, 3, 4; Art. 13, § 5.

State system of higher education, see Const. Art. 13–A, § 1 et seq.

Library References

Telecommunications ⟹381.	C.J.S. Telegraphs, Telephones, Radio and Television §§ 292, 316.

§ 23-105. Membership of Authority

There is hereby created a body corporate and politic to be known as the "Oklahoma Educational Television Authority," and by that name the Authority may sue and be sued, and plead and be impleaded. The Authority is hereby constituted an instrumentality of the state, and the exercise by the Authority of the powers conferred by this article, in the planning, construction, operation and maintenance of educational television facilities, shall be deemed and held to be an essential function of the state.

The Oklahoma Educational Television Authority shall consist of thirteen (13) members, including the President of the University of Oklahoma, the President of Oklahoma State University of Agriculture and Applied Science, the State Superintendent of Public Instruction, the Chancellor of the Oklahoma State Regents for Higher Education, the president of one of the state-supported four-year colleges chosen by the presidents of this group of institutions, the president of one of the state-supported junior colleges chosen by the presidents of this group of institutions, and seven (7) additional members to be appointed by the Governor by and with the consent of the Senate to serve seven-year terms.

The appointed members shall have been residents of the state for at least five (5) years preceding the date of their appointment.

The seven (7) appointed members shall include one member from each of the six (6) congressional districts and one member-at-large.

A majority of the appointed members shall be actively engaged in the educational profession.

Each appointed member of the Authority, before entering upon his duties, shall take an oath as provided by Section 1 of Article XV of the Constitution of the State of Oklahoma.

The seven (7) members first appointed by the Governor shall continue in office for terms expiring on June 30, 1954; June 30, 1955; June 30, 1956; June 30, 1957; June 30, 1958; June 30, 1959; and June 30, 1960, respectively. The terms of each of the first appointed members shall be designated accordingly by the Governor, and said members shall serve for their appointed terms and until their respective successors shall be appointed and qualified. The successor of each such member shall be appointed for a term of seven (7) years, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term in such vacancy.

The Authority shall elect one of the members as chairman and another as vice-chairman, and shall also elect a secretary-treasurer. Seven (7) members of the Authority shall constitute a quorum, and the vote of seven (7) members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

The secretary-treasurer shall execute a surety bond in the penal sum of Fifty Thousand Dollars ($50,000.00), such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the State of Oklahoma as surety and to be approved by the Attorney General and filed in the office of the Secretary of State.

The members of the Authority shall not be entitled to compensation for their services, but each member shall be reimbursed for his actual expenses incurred in carrying out the provisions of this article, shall be payable solely from funds provided under the authority of this article and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which monies shall have been provided under the authority of this article.

Laws 1971, c. 281, § 23-105, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 353, § 5.
70 O.S.1961, § 2145.

Library References

Telecommunications ⇨381.	C.J.S. Telegraphs, Telephones, Radio and Television §§ 292, 316.

Cross References
Sunset law, effect, see title 74, § 3908.

§ 23-106. Powers of Authority

The Authority is hereby authorized and empowered:

1. To accept, assume and control the television channels assigned by the Federal Communications Commission to the State of Oklahoma for educational purposes;

2. To adopt bylaws for the regulation of its affairs and the conduct of its business;

3. To adopt an official seal and alter the same at pleasure;

4. To maintain an office at such place or places within the state as it may designate;

5. To sue and be sued in its own name, plead and be impleaded; provided, however, that any and all actions, at law or in equity, against the Authority shall be brought in the county in which the principal office of the Authority shall be located, or in the county of the residence of the plaintiff, or in the county where the cause of action arose;

6. To construct, maintain, repair and operate television facilities which with their access connections are designated ultimately to extend to and include all sections and areas of the State of Oklahoma;

7. To issue revenue bonds of the Authority, payable solely from dedicated revenues, for the purpose of paying all or any part of the cost of needed facilities;

8. To fix and revise from time to time any necessary charges for the use of any facilities;

9. To pay for the annual cost of the operation, maintenance and repair of such facilities;

10. To pay as and when due the principal and interest on the revenue certificates or bonds issued to pay for such facilities;

11. To accumulate and maintain such reserves as are provided for in the resolution or trust indenture under which such bonds are issued or secured;

12. To acquire, hold, or dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;

13. To acquire in the name of the Authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the right of condemnation in manner hereinafter provided, such public or private lands, rights-of-way, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of this article; and it is the intent of the Legislature that all public property damaged in carrying out the powers granted by this article shall be restored or repaired and placed in its original condition as nearly as practicable;

14. To designate, except as is provided for herein, the locations; and to establish, limit and control such points of ingress to and egress from each facility as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such facility;

15. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

16. To receive appropriations from the State Legislature and accept from any federal agency grants for or in aid of the construction and operation of any project; provided, the acceptance of such grants or appropriations will not reduce the amount of federal aid for other education in this state; and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value;

17. To do any and all things necessary to comply with rules, regulations, or requirements of the Federal Communications Commission or any other federal agency administering any law enacted by the Congress of the United States to aid or encourage education;

18. To do all things necessary or convenient to carry out the powers expressly granted in this article.

It shall be unlawful for any member, officer, or employee of the Authority to transact with the Authority, either directly or indirectly, any business for profit of such member, officer, or employee; and any person, firm or corporation knowingly participating therein shall be equally liable for violation of this provision.

The term "business for profit" shall include, but not be limited to, the acceptance or payment of any fee, commission, gift or consideration to such member, officer or employee.

Any person found guilty of violating any of the provisions of this section shall be guilty of a felony, and shall be punishable by a fine of not less than Five Hundred Dollars ($500.00), and not more than Five Thousand Dollars ($5,000.00), or by imprisonment in the State Penitentiary for not more than five (5) years, or by both such fine and imprisonment.

Laws 1971, c. 281, § 23–106, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 354, § 6.
70 O.S.1961, § 2146.

Cross References

Eminent domain, see Title 27, § 1 et seq.; Title 66, § 51 et seq., 161; Const. Art. 2, § 24.

Library References

Telecommunications ⟸383.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 298 to 301, 316.

Notes of Decisions

Construction and application of prior law 2
Validity of prior law 1

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1. Validity of prior law

Provision of former sections 2141–2165 of this title, authorizing the Educational Television Authority to issue bonds with principal and interest to be paid out of all the revenues accruing to the Public Building Fund, such revenues to be used solely for purpose of retiring such bonds, would be in violation of prohibition of Const. Art. 10, § 23, against creation of any debt or obligation against the state or any department, institution or agency thereof. Application of Oklahoma Ed. Television Authority, Okl., 272 P.2d 1027 (1954).

2. Construction and application of prior law

Provision of Const. Art. 10, § 23, prohibiting creation of a debt against the state or any department, institution or agency thereof and rendering invalid former sections 2141-2165 of this title, authorizing the Educational Television Authority to issue bonds with principal and interest to be paid out of all revenues accruing to the Public Building Fund, did not restrict the Authority from issuing bonds payable from funds now on hand, or accruing in Public Building Fund during the biennium ending June 30, 1955. Application of Oklahoma Ed. Television Authority, Okl., 272 P.2d 1027 (1954).

§ 23–107. Powers continued

The Authority is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, any land, property, rights, rights-of-way, franchises, easements, or other interests in lands as it may deem necessary or convenient for the construction, maintenance, and operation of the facilities upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the Authority and the owner thereof, and to take title thereto in the name of the Authority.

Laws 1971, c. 281, § 23–107, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 555, § 7.
70 O.S.1961, § 2147.

Library References

Telecommunications ⇨383.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 298 to 301, 316.

§ 23–108. The Authority has power to condemn property

Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated, or is absent, unknown, or unable to convey valid title, the Authority is hereby authorized and empowered to acquire by condemnation proceedings in the same manner as land is condemned for railroad purposes any land, property, rights, rights-of-way, franchises, easements, or other property deemed necessary or convenient for the construction or the efficient operation of any facilities, or necessary in the restoration of public or private property damaged or destroyed. No act or obligation of the Authority shall impose any liability upon the state or the Authority except such as may be paid from the funds provided under the authority of the article.

Laws 1971, c. 281, § 23–108, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 556, § 8.
70 O.S.1961, § 2148.

Cross References

Eminent domain, see Title 27, § 1 et seq.; Title 66, §§ 51 et seq., 161; Const. Art. 2, § 24.

Library References

Eminent Domain ⇨17.

C.J.S. Eminent Domain § 64.

§ 28-109. Authority may issue revenue bonds

The Authority may provide by resolution, at one time or from time to time, for the issuance of revenue bonds of the Authority for the purpose of paying all or any of the cost of any one or more projects, but each project shall be covered by a separate resolution and separate bond issue or issues. Provided, each such resolution must receive legislative approval prior to actual issuance of said revenue bonds. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at a rate not to exceed ten percent (10%), and shall mature in annual installments at such time or times not exceeding the maximum time permitted by the Constitution of the State of Oklahoma, but in any event not more than forty (40) years after their date as may be determined by the Authority. The Authority may cause the bonds or any installment thereof to be made redeemable before maturity, at the option of the Authority, at such price or prices, and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. The bonds shall be signed by the chairman of the Authority, and the official seal of the Authority shall be affixed thereto and attested by the secretary-treasurer of the Authority, and any coupons attached thereto shall bear the facsimile signature of the chairman of the Authority. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this article shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The bonds may be issued in coupon or in registered form or both, as the Authority may determine, and provisions may be made for the registration of any coupon bonds as to principal and interest. The Authority shall sell such bonds at public sale. Notice of the sale shall be published in a Thursday issue for two (2) successive weeks in a daily newspaper of general circulation in the State of Oklahoma. The date mentioned in the notice for the sale of the bonds shall not be less than ten (10) days after the first publication thereof. All bonds shall be sold to the bidder who will bid therefor par and accrued interest, and who shall stipulate in his bid the lowest rate of interest which such bonds shall bear. It is the intent of this article that the bonds shall be awarded to the bidder bidding rate or rates of interest which will be the lowest interest cost during the life of the bonds. Any premium bid shall not be considered in figuring such interest cost but shall be considered only in case two or more bidders bid the same interest cost. Upon the acceptance of such bid, the bonds shall be issued in accordance therewith and shall be delivered to the purchaser upon payment of the purchase price. Each bidder shall submit with his bid such sum in cash or its equivalent as may be determined by the Authority, and upon the acceptance of any bid such deposit shall become the property of the Authority and shall be credited on the purchase price of the bonds, upon the understanding that if the purchaser shall fail five (5) days after the tender of bonds to pay the balance of the purchase price, said sale shall be thereby annulled and said deposit shall be in such event retained by the Authority and credited to the account for which such bonds are being issued and shall be used accordingly. All other deposits shall be returned. The Authority shall have the right to reject all bids and readvertise the bonds for sale. The bonds need not be issued and sold in series. In no event shall the bonds be sold at a price so low as to require the payment of interest on the money received therefor at more than ten percent (10%), computed with relation to the absolute maturity of the bonds in accordance with the standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on the redemption of any bonds prior to maturity.

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project, for which such bonds shall have been issued, and shall be disbursed in such manner, and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under provisions of this article without obtaining the consent of any department, division, commission, board, bureau or agency of the state except legislative approval as required herein, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions, or things which are specifically required by this article. Amended by Laws 1977, c. 232, § 6, emerg. eff. June 15, 1977.

Supplementary Index to Notes

Validity ½

½. Validity

Proposed issuance by the Oklahoma Educational Television Authority of $360,000 revenue bond which was to be retired by use of funds on hand and the proceeds of which would be used for purpose of paying cost of educational television facilities to serve southeastern portion of state and toward ultimate goal of making educational television services available to all citizens is not violative of Constitution and is within statutory authority granted Authority. Application of Oklahoma Educational Television Authority, Okl., 557 P.2d 882 (1976).

Historical Note

Source:

Laws 1953, p. 556, § 9.
70 O.S.1961, § 2149.

Library References

Telecommunications 🔑383.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 298 to 301, 316.

Notes of Decisions

Construction and application of prior law 2
Validity of prior law 1

1. Validity of prior law

Provision of former sections 2141–2165 of this title, authorizing the Educational Television Authority to issue bonds with principal and interest to be paid out of all the revenues accruing to the Public Building Fund, such revenues to be used solely for purpose of retiring such bonds, would be in violation of prohibition of Const. Art. 10, § 23, against creation of any debt or obligation against the state or any department, institution or agency thereof. Application of Oklahoma Ed. Television Authority, Okl., 272 P.2d 1027 (1954).

2. Construction and application of prior law

Provision of Const. Art. 10, § 23, prohibiting creation of a debt, against the state or any department, institution or agency thereof and rendering invalid former sections 2141–2165 of this title, authorizing the Educational Television Authority to issue bonds with principal and interest to be paid out of all revenues accruing to the Public Building Fund, did not restrict the Authority from issuing bonds payable from funds now on hand, or accruing in Public Building Fund during the biennium ending June 30, 1955. Application of Oklahoma Ed. Television Authority, Okl., 272 P.2d 1027 (1954).

§ 23–110. Sinking Fund

The principal and interest necessary to retire any bonds issued by the Authority shall be paid out of the "Oklahoma Educational Television Bond Sinking Fund" hereinafter established by Section 23–111 of this article.

Laws 1971, c. 281, § 23–110, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 337, § 10.
70 O.S.1961, § 2150.

Notes of Decisions

Construction and application of prior law 2
Validity of prior law 1

1. Validity of prior law

Provision of former sections 2141–2165 of this title, authorizing the Educational Television Authority to issue bonds with principal and interest to be paid out of all the revenues accruing to the Public Building Fund, such revenues to be used solely for purpose of retiring such bonds, would be in violation of prohibition of Const. Art. 10, § 23, against creation of any debt or obligation against the state or any department, institution or agency thereof. Application of Oklahoma Ed. Television Authority, Okl., 272 P.2d 1027 (1954).

2. Construction and application of prior law

Provision of Const. Art. 10, § 23, prohibiting creation of a debt against the state or any department, institution or agency thereof and rendering invalid former sections 2141–2165 of this title, authorizing the Educational Television Authority to issue bonds with principal and interest to be paid out of all revenues accruing to the Public Building Fund, did not restrict the Authority from issuing bonds payable from funds now on hand, or accruing in Public Building Fund during the biennium ending June 30, 1955. Application of Oklahoma Ed. Television Authority, Okl., 272 P.2d 1027 (1954).

§ 23–111. Creation of Sinking Fund

There is hereby created the Oklahoma Educational Television Bond Sinking Fund in the State Treasury and the State Treasurer is hereby authorized and directed to transfer revenues accruing to the Public Building Fund, not otherwise appropriated as of the date this article becomes effective, to the Oklahoma Educational Television Bond Sinking Fund to be used solely for the purpose of retiring bonds issued by the Oklahoma Educational Television Authority.

Laws 1971, c. 281, § 23-111, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 557, § 11.
70 O.S.1961, § 2151.

Cross References

State treasurer, see Title 74, § 361 et seq.; Const. Art. 6, §§ 1, 3, 4.
Official dispositary, see § 3902; Title 62, §§ 7.1 et seq., 74.

Notes of Decisions

Construction and application of prior law 2
Validity of prior law 1

1. Validity of prior law

Provision of former sections 2141-2165 of this title, authorizing the Educational Television Authority to issue bonds with principal and interest to be paid out of all the revenues accruing to the Public Building Fund, such revenues to be used solely for purpose of retiring such bonds, would be in violation of prohibition of Const. Art. 10, § 23, against creation of any debt or obligation against the state or any department, institution or agency thereof. Application of Oklahoma Ed. Television Authority, Okl., 272 P.2d 1027 (1954).

2. Construction and application of prior law

Provision of Const. Art. 10, § 23, prohibiting creation of a debt against the state or any department, institution or agency thereof and rendering invalid former sections 2141-2165 of this title, authorizing the Educational Television Authority to issue bonds with principal and interest to be paid out of all revenues accruing to the Public Building Fund, did not restrict the Authority from issuing bonds payable from funds now on hand, or accruing in Public Building Fund during the biennium ending June 30, 1955. Application of Oklahoma Ed. Television Authority, Okl., 272 P.2d 1027 (1954).

Supplementary Index to Notes

Construction and application 3

3. Construction and application

The Oklahoma Educational Television Authority may issue bonds payable from the funds on hand in the Public Building Fund which are not otherwise appropriated, but may not issue bonds payable from future funds of the Public Building Fund until such time as its funds are on hand. Op.Atty.Gen. No. 71-179 (Nov. 30, 1971).

§ 23-112. Trust agreements

In the discretion of the Authority any bonds issued under the provisions of this article may be secured by a trust agreement by and between the Authority and a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the state. Such trust agreement may pledge or assign the revenues to be received from the project constructed by the use of the proceeds of the bonds, but shall not convey or mortgage any project or part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the project in connection with which such bonds shall have been authorized, and the custody, safeguarding and application of all monies, and provisions for the employment of consultants or operation of such project or projects. It shall be lawful for any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing any such trust agreement may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as part of the cost of the operation of the project or projects.

Laws 1971, c. 281, § 23–112, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 357, § 12.
70 O.S.1961, § 2152.

Notes of Decisions

1. Construction and application

Proposed issuance of bonds by the Educational Television Authority pursuant to certain trust agreement would be effective to secure all of the revenue accruing to the Public Building Fund to the payment of such bonds, to prevent diversion or appropriation of such funds to other purposes so long as bonds might be outstanding and unpaid, and would be in accordance with statute authorizing issuance of such bonds. Application of Oklahoma Ed. Television Authority, Okl., 272 P.2d 1027 (1954).

§ 23–113. Authority may collect fees

The Authority, subject to the provisions hereof, is hereby authorized to fix, revise, charge and collect fees for the use of any of its facilities.

Laws 1971, c. 281, § 23–113, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 558, § 13.
70 O.S.1961, § 2153.

§ 23–114. Monies received are trust funds

All monies received pursuant to the authority of this article, whether as proceeds from the sale of bonds or other revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this article. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any officer to whom, or any bank or trust company to which, such monies shall be paid shall act as trustee of such monies and shall hold and apply the same for the purposes hereof, subject to such regulations as this article and such resolution or trust agreement may provide.

Laws 1971, c. 281, § 23–114, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 558, § 14.
70 O.S.1961, § 2154.

§ 23–115. Rights of trustee

Any holder of bonds issued under the provisions of this article or any of the coupons appertaining thereto, and the trustee under the trust agreement, except to the extent the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding protect and enforce any and all rights under the laws of the state or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this article or by such trust agreement or resolution to be performed by the Authority or by any officer thereof including the fixing, charging and collecting of fees.

Laws 1971, c. 281, § 23–115, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 558, § 15.
70 O.S.1961, § 2155.

§ 23–116. Authority tax exempt

The exercise of the powers granted by this article will be in all respects for the benefit of the people of the state, to serve their educational and cultural interests and needs, and for the improvement of their health and living conditions. The operation and maintenance of projects by the Authority will constitute the performance of essential governmental functions, and the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, and the bonds issued under the provisions of this article, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state.

Laws 1971, c. 281, § 23–116, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 558, § 16.
70 O.S.1961, § 2156.

Cross References

Tax exemptions,
- Ad valorem taxes, see Title 68, § 2405.
- Income tax, see Title 68, § 2358.
- School and college property, see Const. Art. 10, § 6.

Library References

Taxation ⇐217. C.J.S. Taxation §§ 254, 261.

§ 23–117. Securities of bonds

Bonds issued under the provisions of this article are hereby made securities by which all banks, trust companies, trust and loan associations, investment companies and others carrying on a banking business, all insurance companies and insurance associations, and others carrying on an insurance business may legally and properly invest funds including capital in their control or belonging to them.

Laws 1971, c. 281, § 23–117, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 558, § 17.
70 O.S.1961, § 2157.

Cross References

Bank investments, see Title 6, Banks and Trust Companies, § 806.
Building and loan association investments, see Title 18, § 233.
Insurance company investments, see Title 36, § 1601 et seq.
School bonds, investment of proceeds, see § 15–108.
School district surplus account, investment, see § 5–115.
School funds, investment, see Const. Art. 11, § 6.
Trust company investments, see Title 6, § 1008.

Library References

Banks and Banking 🔑02, 315(1).
Building and Loan Associations 🔑24.
Insurance 8.

C.J.S. Banks and Banking §§ 167, 1054 et seq.
C.J.S. Building and Loan Associations § 49 et seq.
C.J.S. Insurance §§ 72, 96.

§ 23–118. Projects to become part of the State Educational System

Each project when constructed and placed in use shall be maintained and kept in good condition and repair by the Authority. When all bonds issued under the provisions of this article in connection with any project and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, such project, if then in good condition and repair to the satisfaction of the State Legislature, shall become part of the State Educational System.

All counties, cities, towns, municipalities and school districts of the state and all state boards, commissions, officials, and other public agencies, notwithstanding any contrary provision of law, are hereby authorized and empowered:

1. To lease, lend, grant or convey to the Authority at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, municipalities, school districts of the state, and all state boards, commissions, officials and other public agencies may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality other than the regular and formal action of the authorities concerned, any personal property, real property and other things of value which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including real property already devoted to public use; and

2. To lease, rent or contract from the Authority for telecasting purposes, any programs that would be beneficial to their interest and that of the State of Oklahoma.

Laws 1971, c. 281, § 23–118, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 538, § 18.
70 O.S.1961, § 2158.

Library References

Schools and School Districts ⟹11.

C.J.S. Schools and School Districts § 13.

§ 23–119. Authority may contract with television stations

The Authority is hereby authorized and empowered to enter into contract with other television stations, networks or other agencies for the purpose of receiving or exchanging television programs.

Laws 1971, c. 281, § 23–119, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 539, § 19.
70 O.S.1961, § 2159.

Library References

Telecommunications ⟹381.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 292, 316.

§ 23–120. Bond application may be filed with Oklahoma Supreme Court

The Authority is authorized in its discretion to file an application with the Supreme Court of Oklahoma for the approval of any bonds to be issued thereunder, and exclusive original jurisdiction is hereby conferred upon the Supreme Court to hear and determine each such application. It shall be the duty of the Court to consider and pass upon the applications and any protests which may be filed thereto as speedily as possible. Notice of the hearing on each application shall be given by a notice published in a newspaper of general circulation in the state that on a day named the Authority will ask the Court to hear its application and approve the bonds. Such notice shall inform all persons interested that they may file protests against the issuance of the bonds and be present at the hearing and contest the legality thereof. Such notice shall be published one time not less than ten (10) days prior to the date named for the hearing and the hearing may be adjourned from time to time in the discretion of the Court. If the court shall be satisfied that the bonds have been properly authorized in accordance with this article and that when issued, they will constitute valid obligations in accordance with their terms, the Court shall render its written opinion approving the bonds and shall fix the time within which a petition for rehearing may be filed. The decision of the Court shall be a judicial determination of the validity of the bonds, shall be conclusive as to the Authority, its officers and agents, and thereafter the bonds so approved and the revenues pledged to their payment shall be incontestable in any court in the State of Oklahoma.

Laws 1971, c. 281, § 23–120, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 559, § 20.
70 O.S.1961, § 2160.

Library References

Telecommunications 🔑381.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 292, 316.

§ 23–121. Authority is authorized to issue refunding bonds

The Authority is hereby authorized to provide by resolution for the issuance of revenue refunding bonds of the Authority for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this article, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds. Each refunding issue shall be limited to the project in connection with which the bonds being refunded were issued, and revenues pledged to pay any such refunding issue shall be limited to the revenue derived from said separate project. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Authority in respect of the same shall be governed by the provisions of this article insofar as the same may be applicable.

Laws 1971, c. 281, § 23–121, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 560, § 21.
70 O.S.1961, § 2161.

§ 23–122. Authority must report to Legislature

The Authority shall make and submit to the Legislature, on or before December 31 of each year, a full report showing projects under construction and in operation, planned projects, and the financial condition of the Authority, and such other information as the Legislature shall require.

Laws 1971, c. 281, § 23–122, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 560, § 22.
70 O.S.1961, § 2162.

§ 23–123. This article provides alternative methods for things authorized hereby

The foregoing sections of this article shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of revenue bonds or revenue refunding bonds under the provisions of this article need not comply with the requirements of any other law applicable to the issuance of bonds.

Laws 1971, c. 281, § 23–123, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 560, § 23.
70 O.S.1961, § 2163.

§ 23–124. Article to be liberally construed

This article being necessary for the advancement of education and the welfare of the state and its inhabitants shall be liberally construed to effect the purposes thereof; provided that until specifically authorized by the Legislature the provisions of this article shall not be utilized in any other manner.

Laws 1971, c. 281, § 23–124, eff. July 2, 1971.

Historical Note

Source:

Laws 1953, p. 560, § 24.
70 O.S.1961, § 2164.

§ 23–125.[1] Public Employee Retirement System—Membership in

The Oklahoma Educational Television Authority employees shall be enrolled in the Oklahoma Public Employees Retirement System with full benefits and rights.

Laws 1975, c. 300, § 5, emerg. eff. June 7, 1975.

[1] Not enacted as part of the School Code.

Title of Act:

An Act relating to the Oklahoma Educational Television Authority and making appropriations thereto; stating the purposes; providing for the appointment, duties and compensation of employees; providing for maximum salary for the director; limiting the number of employees; expressing legislative intent; directing that employees be enrolled in Oklahoma Public Employees Retirement System; providing lapse date; providing severability; and declaring an emergency. Laws 1975, c. 300, § 5.

Library References

States 🔑64.1.
C.J.S. States § 94.

§ 3908. Termination of certain statutory entities July 1, 1983—Abolition of powers, duties and functions July 1, 1984

The following statutory entities shall be terminated on July 1, 1983, and all powers, duties and functions shall be abolished one (1) year thereafter:

5. Oklahoma Educational Television Authority as created by Section 23–105 of Title 70 of the Oklahoma Statutes;

§ 3909. One-year period for ceasing affairs—Abolition—Transfer of funds to general revenue fund—Payment of debts—Equipment and supplies—Other obligations

A. Any statutory entity listed in Sections 3 through 8 of this act which is terminated shall have a period of one (1) year after its termination date for the purpose of ceasing its affairs and termination shall not reduce or otherwise limit the powers, duties or functions of said entity. Upon the expiration of the one-year period, the entity and its personnel positions shall be abolished.

B. One (1) year after the termination date of a statutory entity, the State Treasurer shall transfer all funds of that entity to the General Revenue Fund. Provided, that all debts of that entity shall be paid by the State Treasurer from the funds of that statutory entity. All equipment, files, fixtures, furniture and supplies of the terminated entity shall be transferred to the State Board of Public Affairs to be stored or disposed of as specified by law. Any other outstanding obligations or functions remaining to be performed after termination of an entity shall be performed by the State Board of Public Affairs until provisions are made for such obligations or functions by the Legislature.
Added by Laws 1977, c. 9, § 9, emerg. eff. March 10, 1977.

§ 3910. Review and evaluation of statutory entity by review committee

Upon assignment by the presiding officer of each house, the appropriate standing committee from each house meeting jointly during the legislative session or the appropriate interim committee of the Legislative Council, as provided for in the rules of the respective houses, and hereinafter called the review committee, shall be charged with reviewing and evaluating any statutory entity or entities assigned to said committee to determine if a terminated entity shall be recreated.
Added by Laws 1977, c. 9, § 10, emerg. eff. March 10, 1977.

62 § 156. Educational Television Authority Revolving Fund

There is hereby created in the State Treasury a revolving fund for the Oklahoma Educational Television Authority to be designated "The Educational Television Authority Revolving Fund." The fund shall consist of monies received by the Oklahoma Educational Television Authority pursuant to statutory provisions, but not including appropriated funds. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the administrative direction of the Oklahoma Educational Television Authority. Expenditures from said fund shall be made pursuant to the laws of this state and the statutes relating to the said Commission,[1] and without legislative appropriation. Warrants for expenditures from said fund shall be drawn by the State Auditor, based on claims signed by an authorized employee or employees of the said Authority and approved for payment by the Director of State Finance. Laws 1973, c. 46, § 2, operative July 1, 1973.

[1] Should read "Authority".

Library references
States 🔑 127.
C.J.S. States § 151.

STATE RADIO STATIONS

354.010 Management of state radio station at Oregon State University. The State Board of Higher Education is declared the managing agency of the state-owned radio station KOAC, licensed to Oregon State University, and as such shall prescribe rules and regulations in conformity with the regulations and laws of the United States Government relating to radio stations generally, governing the use, operation and control of the facilities of such radio station. By such rules and regulations the board shall make the facilities of such radio station available to all departments and agencies of the State of Oregon, but may require any state department or agency so making use of the facilities of the radio station to pay therefor a reasonable charge. The money derived therefrom shall be used for the general operating and maintenance expense of the radio station.

354.020 Use by state agencies. Every department or agency of the State of Oregon may make such use of the facilities of radio station KOAC as it may deem conducive to the best interests of the State of Oregon, and may pay to the State Board of Higher Education, in consideration for the use of the facilities of such radio station, such reasonable charge as may be required, all subject, however, to such rules, regulations or orders as the State Board of Higher Education may make regarding such use.

354.090 Management of state radio station at Oregon Institute of Technology. The State Board of Higher Education is declared the managing agency of the FM radio station KTEC, licensed to the Oregon Institute of Technology, and as such shall prescribe rules and regulations in conformity with the regulations and laws of the United States Government relating to educational FM radio stations. By such rules and regulations the State Board of Higher Education shall make the facilities of the radio station available in the training programs of the Oregon Institute of Technology.
[1957 c.389 §16; 1961 c.126 §1]

STATE TELEVISION STATIONS

354.210 Management of educational television facilities of State Board of Higher Education. The State Board of Higher Education hereby is declared to be the managing agency of educational television facilities for which it is the licensee of the Federal Communications Commission, and shall prescribe rules and regulations, in conformity with the laws and regulations of the United States Government applying to noncommercial educational television stations, to govern the use, operation and control of the facilities. The rules and regulations shall be made in accordance with the determination of what is in the best interest of the people of Oregon to meet their educational and cultural needs.
[1957 c.694 §1]

354.220 Use by state agencies and public and private organizations. (1) Subject to the provisions of subsection (2) of this section, the State Board of Higher Education shall make the facilities of any educational television station, for which it is licensee, available to all departments and agencies of the State of Oregon and to any private or public corporation, firm, organization or association for cultural or educational purposes.

(2) No department, agency, corporation, firm, organization or association shall be allowed to use the facilities of any educational television station for which the State Board of Higher Education is the licensee, unless:

(a) The department, agency, corporation, firm, organization or association agrees to conform in its use of the facilities to the rules and regulations issued by the State Board of Higher Education.

(b) The department, agency, corporation, firm, organization or association agrees to pay reasonable charges fixed by the rules and regulations of the State Board of Higher Education based on the operating expenses of the television facilities used. The amounts received under the provisions of this paragraph hereby are appropriated for the purpose of paying the operating expenses of any educational television station for which the State Board of Higher Education is the licensee. No charges under the provisions of this paragraph shall be, or be considered to be, charges based on the amount of television time given to the payer. As used in this paragraph, "operating expenses" means technical, programming, administrative and maintenance expenses, including reasonable building and equipment reserves, but does not include capital outlay for the initial plant and equipment.
[1957 c.694 §3]

354.230 Acceptance and use of gifts. The State Board of Higher Education may encourage and accept gifts for the development of the facilities of educational television stations for which it is licensee. All gifts to the State Board of Higher Education for such purposes shall be used subject to the terms of the gift. Subject to such terms, the gifts may be invested by the State Board of Higher Education.
[1957 c.694 §4]

354.290 Application of state or nonprofit corporation for FCC license. The State Board of Higher Education or any nonprofit corporation organized under the laws of Oregon for educational television purposes may apply to the Federal Communications Commission for permits to construct noncommercial educational television stations in Oregon to utilize any channel allocated for that purpose by the Federal Communications Commission and may apply for licenses to operate such stations.
[1957 c.694 §2]

354.300 [1957 c.694 §5; repealed by 1961 c.238 §1]

EDUCATIONAL TELEVISION AND RADIO

354.410 Definitions for ORS 354.410 to 354.440. As used in ORS 354.410 to 354.440, unless the context requires otherwise:

(1) "Educational television and radio" means programs for direct teaching, programs for instructional enrichment, and programs for in-service education of teachers which are transmitted for viewing or listening in connection with instruction in public elementary and secondary education by state-operated educational television and radio stations.

(2) "Direct teaching" means instruction primarily by educational television or radio in a subject or course of study which is a part of the public school curriculum as authorized by the State Board of Education.

(3) "Instructional enrichment" means instruction by means of educational television or radio which is designed to improve, supplement, complement, or strengthen instruction in a subject or course of study which is a part of the public school curriculum.

(4) "In-service programs for teachers" means programs which are designed to strengthen and improve the knowledge and understanding by teachers of subject matter content of courses taught in the public elementary and secondary schools; and programs designed to improve the understanding, knowledge, and skills of teachers relating to methods of teaching, the nature of the learning process, the nature of the learner and other matters connected with the instructional program of the public schools.
[1961 c.535 §2]

354.420 Purpose of ORS 354.410 to 354.440. (1) The purpose of ORS 354.410 to 354.440 is to encourage the development of and provide means for making educational television and radio programs of direct instruction and instructional enrichment for pupils and in-service education for teachers available to the public schools of the state, and to provide for the authorization and approval of such programs by the Department of Education.

(2) Educational television and radio are hereby declared to be and authorized as suitable means of instruction in the public schools of Oregon to the extent that may be approved by the Department of Education and accepted by local school district officials.
[1961 c.535 §§1, 3; 1965 c.100 §453]

354.430 Authority of Department of Education; disposition of sale proceeds. The Department of Education may utilize its appropriate personnel and facilities and any funds made available to it:

(1) To stimulate interest by school districts in the appropriate use of educational television and radio in the public schools.

(2) To plan and produce suitable educational television and radio programs of direct instruction, instructional enrichment for pupils and in-service programs for teachers in the public schools.

(3) To cooperate with officials of state-operated educational television and radio stations in planning and producing suitable programs of direct teaching and instructional enrichment, and in planning and producing in-service programs for teachers for the public schools.

(4) To assist local school districts in planning suitable programs of educational television and radio for the public schools, and to cooperate with officials of state-operated educational television and radio stations in producing such programs.

(5) To employ personnel and pay expenses for services, materials, equipment and supplies necessary for the administration of ORS 354.410 to 354.440.

(6) To contract for and pay for professional services utilized in the development and production of programs for educational television and radio.

(7) To purchase, rent, lease or contract for use of filmed, taped or otherwise recorded educational television and radio programs from available sources and to sell programs or to exchange them for others of a similar nature.

(8) All moneys received under subsection (7) of this section shall be deposited in the State Treasury to the credit of the Department of Education and shall be used exclusively for the purposes authorized by this section.
[1961 c.535 §5; 1965 c.100 §454; 1967 c.570 §1]

354.440 Board to approve certain educational television and radio programs; advisory committee. (1) All educational television and radio programs provided by state-operated educational television and radio stations for direct teaching, instructional enrichment, and in-service education of teachers as defined in ORS 354.410 shall be approved by the State Board of Education.

(2) The State Board of Education shall appoint an advisory committee of seven members to advise the Department of Education on the planning and preparation of in-school television programs.
[1961 c.535 §§4, 6; 1965 c.100 §455]

Approved: 1980

OREGON LEGISLATIVE ASSEMBLY–1979 Regular Session

C-Engrossed

Senate Bill 805

Ordered by the House June 30
(Including Amendments by Senate May 11 and June 16
and by House June 30)

Sponsored by Senators RIPPER, BULLOCK, DAY, HALLOCK, HANLON, HANNON, KULONGOSKI, McCOY, Representatives BROGOITTI, BUGAS, GRANNELL, HANNEMAN, E. JOHNSON, LINDQUIST, PISHA, ZAJONC, Senators GARDNER, HARTUNG, ROBERTS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates Oregon Commission on Public Broadcasting **under State Board of Higher Education**. Transfers duties, functions and powers of State Board of Higher Education concerning public broadcasting to Oregon Commission on Public Broadcasting. Authorizes commission to employ executive director and other personnel as may be necessary to carry out its function. Provides [*transfer of duties, functions, powers to become operative upon transfer of Federal Communications Commission licenses from State Board of Higher Education*] **for delegation of all authority over noncommercial educational television stations owned by state to** Oregon Commission on Public Broadcasting. [*Directs State Board of Higher Education to cooperate fully to facilitate transfer of Federal Communications Commission licenses.*] **Requires Governor to designate an agency** other than the commission to serve as state review agency of grant proposals to the Public Telecommunications Facilities Program of the United States Department of Commerce. Appropriates $15,000 from General Fund to the Board of Higher Education for biennial expenses incurred in [*transferring duties and functions under this Act*] **implementing Act. Requires commission to prepare report to next legislature as to implementation of Act.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to public broadcasting; creating new provisions; repealing ORS 354.210, 354.220, 354.230 and 354.290; appropriating money; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 354.210, 354.220, 354.230 and 354.290 are repealed.

SECTION 2. Sections 3 to 15 of this Act are added to and made a part of ORS chapter 354.

SECTION 3. As used in sections 3 to 15 of this 1979 Act "commission" means the Oregon Commission on Public Broadcasting.

SECTION 4. (1) There is created under the State Board of Higher Education the Oregon Commission on Public Broadcasting. The commission shall consist of 11 members:

(a) Three persons appointed by the Speaker of the House of Representatives;

(b) Three persons appointed by the President of the Senate; and

(c) Five persons appointed by the Governor.

(2) The appointing authorities shall coordinate the appointments to represent the concerns of higher education, primary and secondary education, the community colleges, the broadcasting industry and the congressional districts.

(3) Appointments of members to the commission by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.

(4) The governor shall select the chairperson from among the members of the commission.

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

(5) The term of office of a member of the commission is four years. Terms of office shall expire on June 30. Before the expiration of the term of a member, the appointing authority shall appoint a successor to succeed the member whose term is expiring. Successors shall assume commission member duties on July 1 following the appointment. No person appointed to the commission shall serve more than two consecutive terms, or a maximum of eight years. In case of a vacancy on the commission, for any cause except where the vacancy is caused by the normal expiration of a member's term, the appointing authority shall make an appointment to become immediately effective for the duration of the unexpired term.

(6) The commission shall include persons representative of the general population of the state and representative of special interests related to educational and cultural broadcasting.

(7) Members of the commission shall be entitled to compensation and expenses as provided in ORS 292.495.

SECTION 5. The commission shall:

(1) Administer all noncommercial educational television stations owned by the state, operate the state-owned television network and coordinate the use of radio and other telecommunication media for providing public services.

(2) Employ an executive director who shall hold a nontenured position and such other personnel as may be necessary to carry out its functions of operating a broadcast network and planning for coordination of services to extend coverage to all areas of the state.

(3) Employ the most cost-effective organization for production of broadcast and other program materials, with special attention to using centralized production.

(4) Consider creative and innovative approaches to obtaining maximum benefit from available production and program distribution resources.

(5)(a) Establish advisory committees, including but not limited to the areas of:

(A) Program development;

(B) Policy development; and

(C) Technical development.

(b) These committees shall assist the commission in identifying the issues, problems and alternative solutions which are critical to the operation of an effective public broadcasting system.

(6) Establish a state-wide planning, development and coordination process which addresses at least the following:

(a) Goals for the system;

(b) Operations of the state-owned system;

(c) Procedures for effective interagency coordination;

(d) Use of services by state agencies; and

(e) Current methods for providing state services to determine if the system could be a more cost-effective alternative.

(7) Evaluate the effectiveness of services provided.

(8) Seek to make public broadcasting available throughout the state consistent with state priorities and obligations for providing such service.

(9) Actively pursue public contributions, grants and other sources of funding separate from the General Fund for production, system development and innovative uses for existing capabilities

(10) Have the authority to plan with other agencies charged with educational responsibility for the use of existing educational and instructional programming systems.

SECTION 6. The Oregon Commission on Public Broadcasting shall be the administering agency of noncommercial educational television stations owned by the state and the state-owned television network and shall prescribe rules, in conformity with the laws and regulations of the United States Government applying to noncommercial educational television stations owned by the state, to govern the use, operation and control of the facilities. The rules shall be made in accordance with the determination of what is in the best interest of the people of Oregon to meet their educational and cultural needs.

SECTION 7. (1) Subject to the provisions of subsection (2) of this section, the commission shall make the facilities of any public television station, for which it is licensee, available to all departments and agencies of the State of Oregon and to any private or public corporation, firm, organization or association for cultural or educational purposes.

(2) No department, agency, corporation, firm, organization or association shall be allowed to use the facilities of any public television station for which the commission is the administrator, unless:

(a) The department, agency, corporation, firm, organization or association agrees to conform in its use of the facilities to the rules issued by the commission; and

(b) The department, agency, corporation, firm, organization or association agrees to pay reasonable charges fixed by the rules of the commission based on the operating expenses of the television facilities used. The amounts received under the provisions of this paragraph are continuously appropriated for the purpose of paying the operating expenses of public television. No charges under the provisions of this paragraph shall be, or be considered to be, charges based on the amount of television time given to the payer. As used in this paragraph, "operating expenses" means technical, programming, administrative and maintenance expenses, including reasonable building and equipment reserves, but does not include capital outlay for the initial plant and equipment.

SECTION 8. The commission may encourage and accept gifts for the development of the facilities of public television. All gifts to the commission for such purposes shall be used subject to the terms of the gift.

SECTION 9. The commission or any nonprofit corporation organized under the laws of Oregon for public television purposes may apply to the Federal Communications Commission for permits to construct noncommercial public television stations in Oregon to utilize any channel allocated for that purpose by the Federal Communications Commission and may apply for licenses to operate such stations.

SECTION 10. On or before January 1, 1980, the State Board of Higher Education shall delegate to the Oregon Commission on Public Broadcasting all authority relating to noncommercial educational television stations owned by the state and the state-owned television network. Actions of the commission are subject to veto by a majority vote of the State Board of Higher Education, a quorum being present.

SECTION 11. The lawful rules of the board with respect to duties, functions or powers delegated by this 1979 Act continue in effect until superseded or rescinded by rules lawfully adopted by the commission.

SECTION 12. Notwithstanding the term of office specified by section 4 of this 1979 Act, the members first appointed to the board shall determine their terms of one, two, three and four years, respectively, by lot.

SECTION 13. The commission shall not serve as the state review agency of Oregon grant proposals to the Public Telecommunications Facilities Program of the United States Department of Commerce. The Governor shall designate another agency

SECTION 14. The Commission on Public Broadcasting shall prepare a report for submission to the Sixty-first Legislative Assembly relating to the implementation of this 1979 Act with suggestions for future development of noncommercial educational television in Oregon, including but not limited to structure, financing, licensing, coordination, goals and cost effectiveness.

SECTION 15. If the implementation of this 1979 Act is found to jeopardize any federal television license held by the state or any agency thereof, the implementation of this 1979 Act shall be brought in so far as possible into conformity with the federal requirements.

SECTION 16. There is appropriated to the Board of Higher Education, out of the General Fund, for the biennium beginning July 1, 1979, the sum of $15,000 for the purpose of implementing this Act.

SECTION 17. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.

OREGON EDUCATIONAL COORDINATING COMMISSION

(Administration)

348.705 Definitions for ORS 348.705 to 348.825. As used in ORS 348.705 to 348.825, "commission" means the Oregon Educational Coordinating Commission created by ORS 348.715.
[Formerly 351.265]

348.715 Oregon Educational Coordinating Commission; membership; confirmation; advisory committees; compensation and expenses; rules. (1) There hereby is created the Oregon Educational Coordinating Commission. The Governor shall appoint to the commission seven members to serve for terms of four years. Appointments of members to the commission by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.

(a) The appointments shall include representatives of the general public who are not employed by, do not operate or do not serve on the governing board of, any educational institution or agency.

(b) Persons appointed to the commission shall be representative of the general population of the state.

(c) No person appointed to the commission shall serve more than two consecutive terms, or a maximum of eight years.

(2) The commission shall appoint an advisory committee which shall assist the commission in identifying the issues, problems and alternative solutions which are critical to the effective coordination of education. Membership of the advisory committee shall include representatives of all segments of education, including administrators, students and faculty.

(3) The commission may appoint such other subcommittees or advisory committees as it deems necessary.

(4) The commission shall:

(a) Develop, implement and monitor a comprehensive and standardized state-wide data system capable of yielding information basic to policy formation by governing boards and appropriate governmental bodies.

(b) Design, implement and maintain a system which will identify the needs and expectations for educational services.

(c) Develop and propose state-wide educational policy and program objectives consistent with identified educational needs; assess the budgetary priorities of the educational segments to identify their consistency with state-wide policy and program objectives; advise the Governor of inconsistencies and omitted areas prior to his action on budget requests; and advise the Legislative Assembly of inconsistencies and omitted areas prior to its action on budget requests.

(d) Develop and propose systems for achieving stated educational policy and program objectives, and review all proposed new and existing post-secondary programs and proposed new post-secondary locations for consistency with state-wide policy and program objectives.

(e) Evaluate educational programs to determine the extent to which well-identified educational needs are being met.

(f) Evaluate the effectiveness of educational planning efforts, and provide for their appropriate modification.

(g) Assure that an equitable distribution of special resources is made to the various educational segments through the administration of interinstitutional state and federal programs as assigned by the Governor or the legislature.

(h) Monitor proceedings of all meetings of the State Board of Education and the State Board of Higher Education.

(i) Provide assistance to the House and Senate Education Committees, the Ways and Means Committees and the Emergency Board. These staff members shall provide the legislative committees with the findings of the commission and such other information as may be requested by the committees.

(j) Gather, interpret and evaluate all regular and special applications for federal moneys for financial aid programs in order to insure consistency throughout the public and private post-secondary institutions in Oregon.

(5) Following review of proposed new and existing post-secondary programs and proposed new post-secondary locations, and in the event of seemingly unnecessary duplications or inconsistencies, the commission shall recommend resolution to the appropriate segmental governing board concerned. The commission shall report unresolved issues and deficiencies periodically to the Legislative Assembly with recommendations for resolution. In those cases where the commission determines that a proposed new post-secondary program or a proposed new post-secondary location of a public institution would have a significantly adverse impact on one or more other segments of education, the commission shall have final authority for approval or disapproval, notwithstanding authority given to the State Board of Education in ORS chapters 326 and 341 and to the State Board of Higher Education in ORS chapter 351. Prior to approval or disapproval, the commission shall negotiate with the governing boards of the institutions affected to determine if satisfactory accommodations of the interests can be achieved.

(6) The commission may apply for and accept gifts, grants or services from or contract with nonprofit organizations, educational institutions and other state or federal agencies, and may administer such funds and contracts. Grants from the Federal Government or any of its agencies may be accepted subject to the terms and conditions thereof, regardless of any laws of this state in conflict with the regulations of the Federal Government with respect thereto.

(7) There hereby is established in the General Fund of the State Treasury an account to be known as the Oregon Educational Coordinating Commission Account. All moneys received by the commission shall be paid into the State Treasury and credited to such account and hereby are appropriated continuously for and shall be used by the commission in carrying out the purposes of ORS 348.705 to 348.825.

(8) Members of the commission are entitled to compensation and expenses as provided in ORS 292.495.

(9) Pursuant to ORS chapter 183, the commission may adopt rules necessary to carry out its functions.
[Formerly 351.270]

348.725 Commission duties. In the discharge of its comprehensive planning responsibilities, the commission shall develop, adopt and maintain a comprehensive education plan and related policy objectives, which include state-wide educational goals and indicators appropriate for evaluating the qualitative and quantitative effectiveness of all aspects of education from kindergarten through post-graduate programs. The commission shall be directly responsible for the development of goals and policies and serve a coordinating role in plan development. Base level planning shall come from each educational governing board submitting plans to the commission, as specified in subsection (2) of this section.

(1) In developing the plan, the commission shall include short-range and long-range projections and shall consider at least the following factors:

(a) The continuity of elementary, secondary, post-secondary, continuing and informal levels of educational activity.

(b) The interrelationships, functions, roles, and responsibilities of each of the several state-wide agencies providing educational services in Oregon, including the coordinating agency.

(c) The range and kinds of educational programs appropriate to each segment, agency and private institution as developed through the procedure specified in subsection (2) of this section.

(d) The impact of budgetary priorities of the segments and agencies.

(e) The impact of student tuition and fees on various types and levels of students, and on educational programs and institutions.

(f) Appropriate levels of state-funded student financial aid.

(g) Access and admissions of students to post-secondary education.

(h) The educational programs and resources of independent and proprietary post-secondary education.

(i) The need for and location of post-secondary facilities.

(j) The desirability of consortia, cooperative efforts and mergers of post-secondary institutions or educational districts.

(k) A plan for monitoring progress made toward the attainment of state-wide educational goals and objectives; and for evaluating the impact of, and necessity for modifications in the comprehensive education plan.

(2) The commission shall require each state educational governing board or each private institutional governing board to submit a long-range plan, in a form and manner prescribed by the commission, for the post-secondary institution or institutions under the board's jurisdiction.

(3) The commission shall offer to the affected boards or their staffs opportunities to participate in the development of the forms, policies and procedures governing the submission of plans.

(4) The commission shall review and coordinate the plans submitted by affected boards, and evaluate them for consistency with the policies, objectives and goals of the comprehensive education plan. In the event of conflicts and inconsistencies, the commission shall recommend resolutions to the affected boards, and report unresolved issues and deficiencies periodically to the legislature with recommendations for their resolution.
[1975 c.553 §3]

348.735 Meetings; chairman. The commission shall meet as frequently as the proper and efficient discharge of its duties may require. The commission shall choose a chairman from its members who shall preside at its meetings.
[Formerly 351.275]

348.745 Appointment, functions and status of executive director. (1) The commission may employ an executive director who shall:

(a) Attend all meetings of the commission.

(b) Keep a record of the proceedings and transactions of the commission.

(c) Have custody of all books, papers, documents and other property belonging to the commission.

(d) Be the administrative officer of the commission.

(2) Unless otherwise provided by law, the commission shall fix and determine the annual salary of the executive director. The executive director, subject to any other applicable law regulating mileage and traveling expenses for state officers, shall receive his actual and necessary traveling and other expenses incurred in the performance of his official functions. The executive director shall be in the unclassified service for purposes of the State Merit System Law.
[Formerly 351.280]

348.755 Personnel. The commission may employ such other personnel as may be necessary to facilitate and assist in carrying out its functions, and fix and pay the compensation of such personnel. The employment of such personnel shall be subject to any applicable provision of the State Merit System Law.
[Formerly 351.285]

348.765 Approval of disbursements. The chairman of the commission shall approve disbursements for indebtedness or expenses incurred under the provisions of and payable from appropriations made for the purposes of ORS 348.705 to 348.825. The commission may designate the executive director to approve those disbusements, provided that the indebtedness or expense has been theretofore authorized by the commission. If the commission so designates the executive director, it shall file with the Executive Department a statement to that effect together with a sample of his signature.

(Special Programs)

348.785 Program to improve instructional effectiveness or efficiency. The Oregon Educational Coordinating Commission shall administer a program of grants or awards to encourage the development or implementation of alternative techniques or procedures, courses of study or parts of courses, designed to improve instructional effectiveness or efficiency in public two-year colleges and four-year institutions of higher education in Oregon. Such grants or awards may be made to instructional personnel, the institutions or their subdivisions, or other public educational agencies and may be made to instructional personnel in the form of salary augmentation to encourage or reward efforts under this program.
[Formerly 351.297]

348.795 Criteria for grants and awards. The Oregon Educational Coordinating Commission shall develop criteria for the preparation of applications and procedures for the submission, evaluation, priority selection and award of such grants or awards. The commission may contract with the Department of Higher Education or other appropriate public educational agencies to develop program materials and to establish a mechanism at each institution for the purpose of introducing the materials and implementing the techniques. The commission's criteria and procedures shall be designed to assure that:

(1) Projects are directed primarily to the improvement of undergraduate instruction.

(2) Project objectives are stated clearly and the effectiveness of a project is capable of objective evaluation in terms of the improvement of instructional effectiveness and efficiency.

(3) The project design provides a basis or procedure for the objective evaluation of its effectiveness through a demonstration of the learning achievements of students.

(4) Projects have administrative and fiscal feasibility, there is evidence of departmental and institutional commitment to support and implement the project, and there will be cooperation with the commission in an evaluation of the effectiveness of the project.

(5) Priority should be given to lower division, high enrollment courses.
[Formerly 351.298]

348.805 [1969 c.182 §1; 1971 c.577 §1; renumbered 348.105]

348.815 Purposes of projects. The projects authorized by ORS 348.785 to 348.825 may be designed to:

(1) Develop and test courses of study or parts of courses which feature predictable student achievement of prestated student performance objectives.

(2) Stimulate the implementation of innovative approaches to instruction within the various institutions, providing training programs as necessary to familiarize faculty and administrators with newly developed instructional methodology.
[Formerly 351.301]

348.825 Advisory committee. The Oregon Educational Coordinating Commission shall appoint an advisory committee which is broadly representative of the institutions and with such other members as the commission deems appropriate, to assist the commission in carrying out the provisions of ORS 348.785 to 348.825.
[Formerly 351.302]

(Degrees)

348.835 Commission approval of degree requirements. (1) No school or other institution of learning shall confer or offer to confer any degree upon any person, in recognition of the attainment or proficiency of such person, in pursuing or graduating from any course conducted by it, without first having submitted the requirements for such degree to the Oregon Educational Coordinating Commission and having obtained its approval of such requirements.

(2) ORS 348.835 to 348.885 shall not apply to any school or institution of learning which has been established and conducted within this state, and has conferred degrees for a period of 15 years prior to March 4, 1935; nor to any school conducted under the public educational system of the state; nor to any school which is a member in good standing of the Northwest Association of Secondary and Higher Schools; nor to any school which confers degrees only for proficiency in any system or method of healing, nor to any school now conferring the degree of doctor of optometry; nor schools of theology operating on a post baccalaureate degree level.
[Formerly 351.710]

348.845 Revocation of approval; hearing. Approval obtained under ORS 348.835 may be revoked for proper cause by the Oregon Educational Coordinating Commission at its discretion, after a hearing. Such hearing shall be held only after the school or institution of learning involved has been given 20 days' notice in writing of the time and place of such hearing.
[Formerly 351.720]

348.855 Appeal procedure. Any decision made by the Oregon Educational Coordinating Commission refusing any school or institution of learning permission to confer degrees or revoking the right to confer degrees, shall be subject to the right of review by a suit brought in the circuit court of the county in which the school or institution of learning is located. Such review shall be tried as a suit in equity.
[Formerly 351.730]

348.865 Announcement of conferring of degrees before approval of requirements forbidden. Excepting those exempted by ORS 348.835, no school or institution of learning conducted within this state, nor any officer or member thereof, shall announce or advertise that such school or insitution of learning does or will confer any degree upon

any person whomsoever without first having complied with ORS 348.835 and 348.875.
[Formerly 351.740]

348.875 Schools to file information; board authorized to inspect; revocation for failure to maintain standards. All schools or other institutions of learning subject to ORS 348.835 shall file such information with the State Board of Education as it may direct. The board may send an expert to inspect any such school or institution of learning. If any such school or institution of learning fails to keep up the required standard, the State Board of Education shall revoke its approval to confer degrees.
[Formerly 351.750]

348.885 Misrepresentation of possession of academic degree prohibited. No person shall lay claim to or represent himself as possessing any academic degree which has not been awarded to or conferred upon him. Any person claiming to be the holder of any academic degree shall, upon request of the State Board of Education, file with it the name of the degree so claimed, the name and location of the institution or school conferring same, the date of conference and a certified copy of the diploma or other document in possession of the claimant and evidencing such degree. Failure to file such information or document shall be prima facie evidence that the claim of such person to such degree is fraudulent.
[Formerly 351.760]

(Coordination with Other State Agencies)

348.890 Coordination with other state agencies. (1) The State Board of Higher Education, the State Board of Education and the Oregon Educational Coordinating Commission shall hold at least one meeting annually for the purpose of coordinating their activities and facilitating the solution of problems of mutual concern.

(2) Bylaws to be adopted by the members shall determine procedures for setting meeting dates, locations, chairmanship rotation, agendas and staff support.
[1977 c.306 §3]

PENALTIES

348.990 Penalties. Violation of ORS 348.210 is a misdemeanor.
[Derived from 351.990]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
October 1, 1977.

Thomas G. Clifford
Legislative Counsel

CHAPTERS 349 AND 350

[Reserved for expansion]

24 **§ 791.4 Purposes and general powers**

The Authority is created for the purpose of constructing, improving, maintaining and operating buildings for public school and educational broadcasting facilities, and furnishing and equipping the same for use as a part of the public school system of the Commonwealth of Pennsylvania under the jurisdiction of the Department of Public Instruction. The Authority also shall have for its purpose the construction, improvement, maintenance and operation of community college buildings.

As amended 1963, Aug. 24, P.L. 1191, § 1; 1967, July 18, P.L. 175, § 2.

The Authority is hereby granted and shall have and may exercise all the powers necessary or convenient for the carrying out of the aforesaid purposes, including but without limiting the generality of the foregoing, the following rights and powers:

(j.1) To enter into contracts with the board of school directors of any school district, the members of which school board are members of any nonprofit community corporation having a Federal Communications Commission license for educational broadcasting stations, for the purpose of constructing, improving, maintaining and operating these facilities as a part of the public school system of the Commonwealth of Pennsylvania.

Added 1963, Aug. 24, P.L. 1191, § 2.

TELEVISION NETWORK COMMISSION [NEW]

71 § 1188.1 Declaration of public policy

The General Assembly hereby declares that it is in the public interest of the Commonwealth to encourage and develop the growth of noncommercial educational television broadcasting, including the use of such media for instructional purposes; that the expansion and development of noncommercial educational television broadcasting and its programming diversity depend on freedom, imagination and initiative; that it furthers the general welfare to encourage such programming which will be responsive to the interests of people throughout the Commonwealth and which will constitute an expression of diversity and excellence; that it is necessary and appropriate for the State government to complement, assist and support a policy that will most effectively make noncommercial educational television service available to the people of the Commonwealth; and that an independent commission should be created to facilitate the development of educational television broadcasting and to afford maximum protection from extraneous interference and control. 1968, Nov. 20, P.L. 1075, No. 329, § 1.

Title of Act:

An Act providing for the growth and development of noncommercial educational television; creating the Pennsylvania Public Television Network Commission as an independent commission and defining its powers and duties. 1968, Nov. 20, P.L. 1075, No. 329.

§ 1188.2 Creation of commission

There is hereby created the Pennsylvania Public Television Network Commission, hereinafter referred to as "commission", as an independent commission with powers to encourage the growth and development of noncommercial television broadcasting and programming. Such commission shall consist of twenty-two commissioners, who shall be appointed or designated as follows: The Governor shall appoint six members, by and with the advice and consent of the Senate for a term of six years, who shall be selected so as to provide a broad representation as nearly as practicable, of various professions and occupations and various kinds of talent and experience appropriate to the functions and responsibilities of the commission. The Governor shall also appoint a representative of private education and a representative of public education and shall designate the chairman of the commission.

The following shall be ex officio members of the commission: The Superintendent of Public Instruction or his nominee; the chairman of the Pennsylvania Council on the Arts; the chairman of the network operations committee; and a member from each of the seven governing boards of public television station licensees serving the Commonwealth.

The President Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of the House and the minority leader of the House shall each appoint one member of their respective Chambers and insure that there is majority and minority party representation.

Such commissioners shall receive no salary but shall be reimbursed for expenses incurred in the performance of their official duties. The commission shall appoint such deputies, secretaries, officers as it may deem necessary, and shall perform all things necessary and proper, consistent with the powers and duties imposed upon it by this act.

Such commission shall, annually, make a full report to the Governor and the General Assembly as soon as possible after the close of each fiscal year, and make such other reports at such intervals as it deems necessary and advisable.

1968, Nov. 20, P.L. 1075, No. 329, § 2.

§ 1188.3 Powers and duties of the Pennsylvania Public Television Network Commission

The powers and duties of the commission shall include, but not be limited to, the following:

(1) To assist, develop and support a statewide policy to encourage the growth and development of a dynamic, free and effective public television service;

(2) To make grants to public television stations serving Pennsylvania to aid in the improvement of their broadcast operations, programming, and capital facilities;

(3) To establish and develop and operate, on behalf of the Commonwealth, a public television network system interconnecting all noncommercial television stations serving Pennsylvania;

(4) To insure the diversity of programming to allow for freedom, imagination, objectivity and initiative on both the State and local level and to insure that the networks shall not be misused for political or other propaganda purposes contrary to the Federal Constitution or the Constitution of the Commonwealth of Pennsylvania.

(5) To apply for, receive and distribute Federal funds, State funds and public or private funds from any source whatsoever, and to serve as a coordination agency in connection with those funds which are available through the Federal Public Broadcasting Act of 1967 [1] and other Federal legislation now or hereinafter enacted;

(6) To enter into contracts, leases and other arrangements to own and operate interconnection and switching facilities and equipment pertinent to a statewide network and to apply to the Federal Communications Commission and other Federal agencies for such licenses necessary to operate and maintain such a network;

(7) To contract with or make plans with other agencies or individuals to program productions and otherwise to procure educational and public television programs for distribution to the noncommercial educational television network;

(8) To conduct research, demonstration and training activities in matters relating to noncommercial educational and public television broadcasting;

(9) To establish and maintain a library and archives for programs and related materials and to develop and promote public awareness of and disseminate information concerning noncommercial educational and public television; and

(10) To do all things necessary and proper to effectuate the provisions of this act which are not inconsistent with law, and to promulgate rules and regulations relative thereto.

1968, Nov. 20, P.L. 1075, No. 329, § 3.

[1] 47 U.S.C.A. § 390 et seq.

§ 1188.4 Contracts

All contracts or purchases made by the commission involving the expenditure of over two thousand five hundred dollars ($2,500), except those involving personal services or items that can only be obtained from one source, shall be in writing, awarded on the basis of competitive bidding and shall be made only after notice of the proposed contract or purchase is published in at least twelve newspapers, as the commission shall determine will be sufficient to ensure distribution of the notice throughout the Commonwealth, at least twenty days before the letting of the contract or purchase.

Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (No. 3), known as the "Steel Products Procurement Act."[1]

1968, Nov. 20, P.L. 1075, No. 329, § 4; as amended 1978, Oct. 4, P.L. 1039, No. 235, § 1, effective in 60 days.

[1] 73 P.S. § 1881 et seq.

LEGISLATIVE AUDIT ADVISORY COMMISSION [NEW]

§ 1189.1 Audits of affairs of the General Assembly, legislative agencies

The financial affairs of the General Assembly and its legislative service agencies shall be audited by a certified public accountant to be retained by the Legislative Audit Advisory Commission. At least one such audit shall be made each year; however, special audits may be made when they appear necessary in the judgment of the Legislative Audit Advisory Commission.

1970, June 30, P.L. 442, No. 151, § 1.

Audit, Constitutional requirement, see Const. art. 8, § 10.

Title of Act:

An Act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission. 1970, June 30, P.L. 442, No. 151.

§ 1189.2 Legislative Audit Advisory Commission

(a) There shall be an independent advisory commission, to be known as the Legislative Audit Advisory Commission, which shall consist of eight members, a majority and a minority member of the House of Representatives and two public members appointed by the Speaker of the House of Representatives, and a majority and a minority member of the Senate and two public members appointed by the President Pro Tempore of the Senate. The commission shall organize annually by electing from among themselves a chairman and a secretary.

(b) Members shall receive no compensation but shall receive traveling and actual expenses incurred as members of the commission.

(c) The powers and duties of the commission shall be to:

(1) Examine the standards of audits performed under the provisions of section 10 of Article VIII, of the Constitution of Pennsylvania, and recommend measures for the improvement of pre-auditing and post-auditing of the financial affairs of the Commonwealth.

(2) Report annually recommendations and suggested legislation, if any, for the improvement of auditing in the Commonwealth, and particularly as it pertains to the Legislature.

1970, June 30, P.L. 442, No. 151, § 2.

§ 1189.3 Repealed. 1978, April 28, P.L. 202, No. 53, § 2(a) [1441], effective June 27, 1978

The repealed section, relating to audit of courts, was derived from Act 1970, June 30, P.L. 442, No. 151, § 3.

For disposition of repealed subject matter, see Disposition Table preceding new Title 42, Judiciary and Judicial Procedure, of the Pennsylvania Consolidated Statutes Annotated.

Notes of Decisions

Library references

Schools and School Districts ⟹77 et seq.

C.J.S. Schools and School Districts §§ 119 et seq., 270 et seq.

1. Construction and application

Neither section 7—775 of this title authorizing a school board to join with the city in equipping and operating recreation centers, nor this section, authorizing board to enter into agreements with other political subdivisions for carrying into effect provisions of law common to all such political subdivisions, nor any other section of the public school code authorized agreement between board and city of Philadelphia to establish and finance a youth conservation commission to serve as instrumentality for curbing juvenile delinquency. Barth v. School Dist. of Philadelphia, 143 A.2d 909, 393 Pa. 557, 1958.

§ 5—522. Payments of salaries of professional employes granted leaves of absence as exchange teachers authorized

Any board of public education or board of school directors of any school district or vocational school district of this Commonwealth is hereby authorized to pay any professional employe the salary he would be entitled to if teaching in the school district from which he is granted a leave of absence to serve as an exchange teacher in any foreign country or territory or possession of the United States of America.

Any professional employe, while on leave as an exchange teacher, shall be considered to be in regular full-time daily attendance in the position from which the leave was granted, during the period of said leave, for the purpose of determining the employe's length of service credit toward the time necessary for a sabbatical leave, the right to receive increments as provided by law, and the right to make contributions as a member of the School Employes' Retirement Fund and continue his or her membership therein. 1949, March 10, P.L. 30, art. V, § 522, added 1953, Aug. 19, P.L. 1087, No. 288, § 1.

Library references: Schools and School Districts ⟹55, 144(1); C.J.S. Schools and School Districts §§ 119 et seq., 218 et seq.

Cross References

Sabbatical leaves of absence, see section 11—1166 et seq. of this title.

§ 5—522.1 Payments of contributions to the School Employes' Retirement Fund on account of school employes on approved leaves of absence for professional study authorized

Any school employe who has been granted a leave of absence, approved by the board of school directors, for professional study shall be considered to be in regular full time daily attendance in the position from which the leave was granted during the period of said leave for the purpose of determining the employes right to make contributions as a member of the School Employes' Retirement Fund and continue his or her membership therein: Provided, That if the employe does not return to the employment of the school district for a period of at least one year the contributions made by and on behalf of the employe during the period of the leave of absence shall be refunded. 1949, March 10, P.L. 30, art. V, § 522, added 1961, Sept. 19, P.L. 1477, § 1.

Library references: Schools and School Districts ⚷116; C.J.S. Schools and School Districts §§ 231-236.

Cross References

Sabbatical leaves of absence, see section 11—1166 et seq. of this title.

» § 5—523. Educational broadcasting

(a) The State Council of Education shall formulate and amend, when necessary, a State Plan for Educational Broadcasting. The State plan shall provide for the development of educational broadcasting facilities in the Commonwealth and shall define educational broadcasting service areas which shall be served by specified broadcasting centers. The Department of Public Instruction shall promulgate regulations to implement the State plan.

(b) The board of school directors of any school district may enter into an agreement or agreements with one or more school districts and/or county boards of school directors and/or with other educational institutions or agencies and/or with non-profit organizations for the joint operation of an educational television and/or radio station.

(c) The board of school directors of any school district and any county board of school directors may enter into an agreement or agreements with one or more school districts and/or county boards of school directors and/or other educational institutions or agencies and/or non-profit or commercial organizations for broadcasting.

(d) The Department of Public Instruction may enter into agreements with educational or commercial radio and/or television networks or stations, non-profit organizations radio and/or television production centers, or any county board of school directors, school district or districts for the purpose of educational broadcasting.

(e) The Department of Public Instruction and boards of school directors of any school district or county board of school directors, or both, may contract for educational broadcasts for children or adults, using State funds or State-administered Federal funds appropriated for that purpose, or private grants or gifts.

(f) In accordance with the State plan for educational broadcasting, the Department of Public Instruction [illegible] casting station and/or purchase, produce and/or contract to purchase or produce tapes, films and/or recordings for educational [illegible]. 1949, March 10, P.L. 30, art. V, § 523, added 1955, Aug. 21, P.L. [illegible], No. 378, § 1, as amended 1961, Sept. 12, P.L. 1272, No. 55[illegible], § 1.

Library references: Schools and School Districts ⚿47, 55; C.J.S. Schools and School Districts §§ 85-94, 119 et seq.

Historical Note

Code of 1949: This section, as added in 1955, read:

"(a) The board of school directors of any school district may enter into an agreement or agreements with one or more school districts and/or with other educational institutions or agencies and/or with non-profit organizations for the joint operation of an educational television station, at no expense to the Commonwealth.

"(b) The board of school directors of any school district may enter into a contract with commercial telecasters or with non-profit organizations, or both, for television broadcasts, at no expense to the Commonwealth."

The 1961 Amendment substituted "Broadcasting" for "Television" in the section heading, added subsection (c), inserted "and/or county board of school directors" and "and/or [illegible]" in subsection (b), deleted "at no expense to the Commonwealth" at the end of subsection (b), inserted "and any county board of school directors" in subsection (c), substituted "may enter into an agreement * * * for broadcasting" for "may enter into a contract with commercial telecasters or with non-profit organizations, or both, for television broadcasts, at no expense to the Commonwealth" in subsection (c), and added subsections (d), (e), and (f).

§ 5—524. Closing school or department; notice to, and suspending employees; other employment

The board of school directors of any school district or vocational school district, including merged or union districts, and any boards of school directors establishing any joint school or department, shall not close any school or department during the school term, unless such action shall advance the orderly development of attendance areas within an administrative unit approved by the State Council of Education and has been approved by the county board of school directors and the Department of Public Instruction. In the event a school board shall determine prior to the beginning of the next school term to close any school or department, sixty (60) days' notice, in writing, prior to the closing of any school or department, shall be given to all temporary professional and professional employes affected thereby, unless such action shall advance the orderly development of attendance areas within an administrative unit approved by the State Council of Education and has been approved by the county board of school directors and the Department of Public Instruction. Upon failure to give written notice of intention to close any school or department, the school district shall pay such employes their salaries until the end of the school year during which such schools or departments were closed.

Temporary professional or professional employes, whose positions are abolished as a result of the action of the board of school directors in closing a school or department, or reassigning pupils in its effort to consummate partially or wholly the orderly development of administrative and attendance areas approved by the State Council of Education, may not be suspended until the end of the school year if such action is taken during the school year or later than sixty (60) days prior to the opening of the next school term.

The payment of salary to any temporary professional or professional employe shall be discontinued immediately, if such[1] employe obtains other employment which, in the judgment of the board of school directors, could not have been obtained or held if such school or department had not been closed: Provided, however, That if the salary in the new position is less than the salary the professional employe would have received had he remained in the employment of the school district, the school district shall be liable for the difference. 1949, March 10, P.L. 30, art. V, § 524, added 1959, Dec. 28, P.L. 2021, § 1.

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[1] Enrolled bill reads "scuh".

Library references: Schools and School Districts ⊂⊃77, 111(1), 163; C.J.S. Schools and School Districts §§ 119 et seq., 215 et seq., 331.

Cross References

Payments on account of closed schools, see section 25—2520 of this title.
Suspensions, see sections 11—1124, 11—1125 of this title.
Tenure, see section 11—1121 et seq. of this title.

§ 5—525. Establishment and operation of educational television and broadcasting facilities

Whenever funds become available from any source whatever for the purpose of (1) establishing and where necessary operating such pilot educational television projects as may be requested by the State Council of Education, (2) purchasing, producing and contracting for the purchase or production of tapes, films and recordings for educational broadcasting, (3) making special grants to school districts, county boards of school directors and State colleges for educational broadcasting services procured by them where it is determined by the Department of Public Instruction that the awarding of such special grants will materially encourage the use of educational television facilities, (4) establishing educational television facilities in accordance with the State plan for educational broadcasting, and (5) establishing network facilities to link educational broadcasting facilities as may be required by the State plan for educational broadcasting or any of these purposes. The Department of Public Instruction may expend such funds for such purpose or purposes in amounts to be determined by the Department of Public Instruction in accordance with policies approved by the State Council of Education. This section shall not be construed to authorize the expenditure

of any State funds for such purposes unless specifically appropriated by the General Assembly. 1949, March 10, P.L. 30, art. V, § 525 [§ 524], added 1961, Sept. 12, P.L. 1272, No. 558, § 2.

Library references: Schools and School Districts ⊂⊃17; C.J.S. Schools and School Districts §§ 86-91.

(H. B. 172)

[No. 47]
[*Approved June 15, 1962*]

AN ACT

To repeal Act No. 50, approved June 10, 1948, entitled "An Act to create the Public Broadcasting Commission to regulate and distribute upon payment therefor, among the various agencies, departments, instrumentalities and public corporations of The People of Puerto Rico, at their request, the broadcasting time contracted for with the Communications Authority of Puerto Rico, or other radio stations"; to ratify and make clear the intention of the Legislature of Puerto Rico when it created the Government's broadcasting and television service under the jurisdiction of the Department of Education.

STATEMENT OF MOTIVES

Act No. 50, approved June 10, 1948, created the Public Broadcasting Commission for the purpose of supervising the operation of the Government's radio station. By virtue of Joint Resolution No. 110, approved August 8, 1949, by the Board of Directors of the Communications Authority, and of Reorganization Plan No. 4, effective July 1, 1950, the said radio station, known as WIPR, was transferred to the jurisdiction of the Department of Education of Puerto Rico. In Joint Resolution No. 100, approved June 15, 1955, appropriating funds to the Department of Education for extending the public broadcasting service, it was stated for the first time that Radio Station WIPR was not to be used either directly or indirectly, for purposes of partisan or sectarian propaganda or for the transmission of politico-partisan or sectarian acts.

Joint Resolution No. 94, approved June 25, 1954, which appropriated the necessary funds, made possible the establishment of a public television station under the management of the Department of Education. In this Joint Resolution the ends and purposes of the Government's radio and television service were stated in a general way.

It is the express intent of this legislative House clearly and categorically to establish that these communication media, working and operating in an integrated manner under the jurisdiction of the Department of Education, were created for educational and cultural purposes of a general interest, and that the same may not be used for purposes of partisan or sectarian propaganda or for the transmission of politico-partisan or sectarian acts. It is the legislative intent, further, fully to enforce, through the educational and cultural programs of a general interest broadcasted or televised through the media of the government stations, the following constitutional precept of the Commonwealth of Puerto Rico: "Every person has the right to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms...", and that it behooves the Department of Education to intensify, evolve, and see to it that this legislative mandate be complied with.

Be it enacted by the Legislature of Puerto Rico:

Section 1.—The Secretary of Education is hereby authorized to organize, in an integrated and thorough manner, such radio and television stations as the Department of Education may heretofore or hereafter have in operation for the purpose of diffusing and promoting its educational, artistic, musical, and cultural programs of a general interest, all of it subject to the limitations established in the franchises granted by the Federal Communications Commision of the United States of America.

Section 2.—In order that the Secretary of Education may carry out the provisions hereof, he is hereby empowered.

a. To appoint a Public Broadcasting and Television General Manager, whose position shall be included in the service exempt of the Commonwealth Government and who shall hold office at the will of the Secretary of Education, and to fix his compensation as well as his duties, powers, and other obligations appertaining to his office.

b. To select, appoint and contract for the services of professional, technical, artistic, and consulting personnel for the effectuation of the purposes hereof, all of it without subjection to the provisions of Act No. 345, of May 12, 1947, as amended, known as the Personnel Act; provided, that the remaining personnel shall be under the competitive service established by said act. This authorization includes the power to contract for the services of teachers working in public schools, or of any teacher holding a valid license to practice his profession, or of other officials or employees of the Government of Puerto Rico, and to pay them due compensation for such additional services as they may render to the Department of Education outside their regular working hours as public school teachers or as public servants.

c. To draft and promulgate the necessary rules and regulations for the efficient operation of the Public Broadcasting and Television Service under his jurisdiction.

d. To make surveys and conduct investigations aimed at a better utilization, by radio listeners and televiewers of the programs transmitted by the government stations under the management of the Department of Education.

e. To cooperate with all other departments, agencies, instrumentalities, and corporations of the Government of Puerto Rico in their respective educational, cultural, and general-interest programs.

Section 3.—The functions hereby imposed on the Secretary of Education may be delegated by him to the Public Broadcasting and Television General Manager, except the power to approve rules and regulations, which shall not be delegated.

Section 4.—Public broadcasting and television stations shall not be used for purposes of partisan or sectarian propaganda or for the transmission of politico-partisan or sectarian acts.

Section 5.—Act No. 50, approved June 10, 1948, entitled "An Act to create the Public Broadcasting Commission, to regulate and ditribute upon payment therefor, among the various agencies, departments, instrumentalities and public corporations of The People of Puerto Rico, at their request, the broadcasting time contracted for with the Communications Authority of Puerto Rico, or other radio stations", is hereby repealed. Likewise, all other laws or parts of laws in conflict herewith are hereby repealed.

Section 6—This act shall take effect immediately after its approval.

Approved June 15, 1962.

CHAPTER 28

EDUCATIONAL TELEVISION

SECTION.
16-28-1. Purpose of chapter.
16-28-2. Powers of state board of education.
16-28-3. Commercials and political telecasts prohibited — Programs permitted.
16-28-4. Advisory commission — Appointment and qualifications of members.
16-28-5. Organization and functions of advisory commission — Expenses.
16-28-6. Appropriations and disbursements.

16-28-1. Purpose of chapter.—It is the purpose of this chapter to make educational television services available to all the citizens of Rhode Island in the interest of the advancement and promotion of educational cultural needs and the improvement of health and living conditions.

History of Section.

P. L. 1955, ch. 3514, § 1; G. L. 1956, § 16-28-1.

Compiler's Note.

All powers, rights, duties and privileges formerly vested in the state board of education and the department of education are now vested in the board of regents for education by §§ 16-49-1, 16-49-4(9).

16-28-2. Powers of state board of education.—In addition to the powers granted to it by any general or special public law the state board of education is hereby authorized and empowered:

a. To accept, assume and control the television channel or channels assigned by the federal communications commission to the state of Rhode Island.

b. To adopt such rules and regulations as it shall deem necessary for that purpose.

c. To construct with the approval of the director of administration, and to repair and operate noncommercial educational television facilities which are designed ultimately to extend to and include the entire state.

d. To produce, lease, rent and contract for telecasting purposes any cultural, educational or public information programs and to enter into agreements with other agencies for the purpose of receiving, exchanging, rebroadcasting or the retelevising of such programs.

e. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, all of whom shall not be in the classified service of the state, and to fix their compensation.

f. To receive appropriations from the general assembly and to accept from any federal agency grants for or in aid of the construction and operation of any television facility or for any other purpose connected with educational television; provided, the acceptance of such grants or appropriations shall not reduce the amount of federal aid for other education in this state; and to receive and accept aid or contributions from any public or private source of either money, property, labor or other things of value.

g. To do any and all things necessary to comply with rules, regulations, or requirements of the federal communications commission or any other federal agency administering any law enacted by the congress of the United States to aid or encourage education.

h. To fix, revise, charge or collect fees for the use of any of the television facilities consistent with the applicable rules of the federal communications commission governing noncommercial educational television stations.

i. To do all things necessary or convenient to carry out the powers expressly granted in this chapter.

History of Section.

P. L. 1955, ch. 3514, § 2; G. L. 1956, § 16-28-2.

Collateral Reference.

Licensing and control of telecast facilities. 15 A. L. R. 2d 788.

16-28-3. Commercials and political telecasts prohibited — Programs permitted.—It shall be unlawful for the board of education to permit any individual, company, corporation, or organization to advertise or otherwise attempt to sell its products or services for commercial purposes through the use of the facilities owned by the state; and it shall be unlawful also for said board to permit any individual or organization to in any way sponsor the election of any party or individual for any public office; provided, however, that nothing in this section shall be construed in a manner which would exclude announcements and programs of educational organizations which are for the public good. Information programs sponsored by legally authorized agencies of the state, federal and international governments for the public good are to be considered proper program materials. Any government official may use said facilities for a factual "report to the people" type of presentation in keeping the people acquainted with the status and condition of the government; provided, that said facilities shall not be used at any time by any person for political purposes. The station's programming shall com-

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ply with the requirements of the federal communications commission governing noncommercial educational television stations.

History of Section.
P. L. 1955, ch. 3514, § 3; G. L. 1956, § 16-28-3.

16-28-4. Advisory commission—Appointment and qualifications of members.—There is hereby created for the purposes of this chapter an advisory commission consisting of twenty (20) members who shall be appointed by the governor as herein provided. In the month of February in each year, the governor shall appoint five (5) members of said commission to hold office until the first day of March in the fourth year after their appointment and until their respective successors shall be appointed and qualified to succeed the members whose terms will next expire.

Any vacancy which may occur in said commission shall be filled by the governor for the remainder of the unexpired term.

The commission shall insofar as possible be broadly representative of the different educational, cultural, professional, religious, and social interests in the state.

History of Section.
P. L. 1955, ch. 3514, § 4; G. L. 1956, § 16-28-4.

16-28-5. Organization and functions of advisory commission—Expenses.—The governor shall designate one of the members of said advisory commission as chairman. Said commission shall adopt such rules for its own procedure and appoint such other officers from its members as it deems fit.

Said commission shall have no administrative power but shall confer at regular intervals and co-operate with, advise and make recommendations to the board of education in the administration of this chapter.

It shall be the duty of the board to consult with the advisory commission on matters relating to the operation of the educational television station, providing, however, that ultimate policy decisions shall rest with the board.

The members of said commission shall serve without compensation, but shall be entitled to receive reimbursement for reasonable actual and necessary expenses incurred in performance of their duties.

History of Section.
P. L. 1955, ch. 3514, § 4; G. L. 1956, § 16-28-5.

16-28-6. Appropriations and disbursements.—The general assembly shall annually appropriate a sum sufficient to carry out the purposes of this chapter; and the state controller is hereby authorized and directed to draw his orders upon the general treasurer for the payment of such sum, or so much thereof as may be required, from time to time, upon the receipt by him of properly authenticated vouchers.

History of Section.
P. L. 1955, ch. 3514, § 5; G. L. 1956, § 16-28-6.

CHAPTER 7

Educational Television Commission

Sec.
59-7-10. Educational Television Commission created; appointment and terms of members.
59-7-20. Advisory committees.
59-7-30. Compensation.
59-7-40. Studies and reports; cooperation of State agencies; acquisition of property.
59-7-50. Contributions; lease or sale of use of facilities, equipment and other program related materials.
59-7-60. Textbooks and curricula in educational television.

§ 59–7–10. Educational Television Commission created; appointment and terms of members.

There is hereby created the South Carolina Educational Television Commission, which shall be composed of the chairman of the Senate Finance Committee, the chairman of the Senate Education Committee, the chairman of the Ways and Means Committee of the House, the chairman of the Education Committee of the House, and the Superintendent of Education, who shall be members of the Commission, ex officio, and in addition to the foregoing members the Commission shall be composed of seven members to be appointed by the Governor as follows: One shall be appointed from each of the six congressional districts, and one shall be appointed from the State at large, who shall be named by the Governor as chairman of the Commission. The terms of the members who serve ex officio shall be coterminous with the terms of the offices to which they were elected, and the terms of the members appointed by the Governor shall be for six years, except that of those first appointed two shall serve for terms of two years, two shall serve for terms of four years and three shall serve for terms of six years, after which the terms of all members shall be for six years.

HISTORY: 1962 Code § 21-60; 1960 (51) 1779.

ATTORNEY GENERAL'S OPINIONS

Commission is instrumentality of State and exempt from Federal and State income taxes. Ops. Att'y Gen. February 14, 1963.

§ 59–7–20. Advisory committees.

The Commission shall appoint an advisory committee of educators and an advisory committee of technical experts, each of which shall consist of such numbers as the Commission may deem advisable, and the terms of the members of the committee of educators and committee of technical experts shall be for such length and under such conditions as the Commission may decide.

HISTORY: 1962 Code § 21-60.1; 1960 (51) 1779.

§ 59-7-30. Compensation.

The members of the Commission and each of the advisory committees shall receive such per diem and mileage as authorized by law for other boards and commissions of the State.

HISTORY: 1962 Code § 21-60.2; 1960 (51) 1779.

§ 59-7-40. Studies and reports; cooperation of State agencies; acquisition of property.

The Commission shall make a complete study of the use of educational television and its adaptation for instructional purposes in all of the public schools of the State. The State Department of Education and any other State agency shall render such assistance, advice and cooperation as may be within their means upon the request of the Commission. The Commission shall make such report with recommendations as may be desirable to the Governor and the General Assembly from time to time. The Commission may purchase, lease or otherwise acquire and operate such educational television, radio, and related equipment and facilities as are required to develop, promote and extend educational programs to meet the needs of the State and its citizens.

HISTORY: 1962 Code § 21-60.3; 1960 (51) 1779; 1971 (57) 484.

§ 59-7-50. Contributions; lease or sale of use of facilities, equipment and other program related materials.

The Commission shall have the power to accept contributions from all persons, firms and corporations who may wish to contribute to the program, *provided,* that both the acceptance and use of any such contributions shall be subject to express approval by the State Budget and Control Board. The Commission may lease or sell the use of its facilities, equipment, programs, publications and other program related materials on such terms as the Commission deems advantageous, and funds received therefrom shall be used for Commission purposes.

HISTORY: 1962 Code § 21-60.4; 1960 (51) 1779; 1971 (57) 484.

§ 59-7-60. Textbooks and curricula in educational television.

The textbooks and curricula in educational television shall be in conformity with the general policies of the State Department of Education.

HISTORY: 1962 Code § 21-60.5; 1962 (52) 1741.

South Dakota   South Dakota Compiled Laws, Annotated, as amended in 1978 Pocket Supplement

CHAPTER 13-47

EDUCATIONAL TELEVISION AND RADIO

Section	
13-47-1.	State board of directors created—Composition and appointment of members.
13-47-1.1.	Board and facilities as educational television section.
13-47-2.	Function of board of directors.
13-47-3.	Officers of board.
13-47-4.	Employment of personnel by board—Supplies and equipment.
13-47-5.	Meetings of board—Rules and regulations—Reports.
13-47-6.	Expenses of board members.
13-47-7.	Television network sponsored by board.
13-47-8.	Acquisition and use of property.
13-47-9.	Gifts and contributions for educational television.
13-47-10.	Acceptance and use of federal aid.
13-47-11.	Federal licenses for television—Applications, reports and requests to federal communications commission.
13-47-12.	Construction, maintenance and operation of television facilities.
13-47-13.	Contracting for interconnecting channel service.
13-47-14.	Operation of television network consistent with federal regulations —Policies of division of elementary and secondary education.
13-47-15.	Establishment of general policy for educational television.
13-47-16.	Standard broadcast and closed circuit programs.
13-47-16.1.	Powers of board extended to radio—Construction priorities—Allocation of frequencies.
13-47-17.	Facilities not used for subversive purposes or to influence legislation.
13-47-18.	Lease arrangements for sharing cost of operating facilities.
13-47-19.	Daily programs for use in elementary and secondary schools.
13-47-20.	Training of school personnel in use of television.
13-47-21.	Advisory board to state board of education—Composition of executive committee.
13-47-21.1.	Direction and supervision by division of elementary and secondary education—Independent functions retained by council.
13-47-22.	Services to districts outside state—Charge for services.
13-47-23.	Receipts from sales placed in revolving fund.

COMMISSION NOTE

Section 242 (c), ch 2, SL 1973, transferred the administrative functions (other than special budgetary functions) of the instructional television advisory council to the division of elementary and secondary education. See §§ 1-45-7 and 13-47-21.1. See also § 1-32-1 for definitions of "administrative function" and "special budgetary function."

13-47-1. State board of directors created — Composition and appointment of members — Transitional provisions. There is hereby created a state board of directors for educational television, which shall consist of the commissioner of higher education or his authorized representative, of the South Dakota board of regents, the superintendent of elementary and secondary education or his authorized representative, a representative of the South Dakota instructional television council selected by the membership of such council, and ~~four~~ six others appointed by the Governor with the advice and consent of the Senate; provided, however, that at least one of the appointive members shall be representative of the nonpublic institutions of higher education in the state. ~~The appointive members of the board shall serve at the pleasure of the Governor.~~ The terms of the appointive members of the board shall be for a period of three years, two terms expiring each year. Not more than four of the appointive members may be from the same political party. To implement this section the Governor shall appoint two members to begin service as of July 1, 1978. Two of the terms of the appointive members serving on June 30, 1978 shall expire on June 30, 1979 and the remaining two on June 30, 1980; such termination dates to be allocated among those members by the drawing of lots at the first regularly scheduled board meeting occurring after July 1, 1978.

Source: SL 1965, ch 67, § 1; 1970, ch 107; 1976, ch 19, § 7; 1978, ch 119, §§ 1, 2.

Commission Note.

The code commission has substituted "superintendent of elementary and secondary education" in this section for "state superintendent of public instruction" to conform to § 3, ch 128, SL 1975 (§ 13-1-3).

Amendments.

The 1976 amendment deleted "with the advice and consent of the senate" after "appointed by the Governor" in the first sentence.

Opinions of Attorney General.

Political candidates' time on station, application of Federal Election Campaign Act of 1971 and state requirements upon ETV, Opinion No. 72-31.

Status and powers and duties of board of directors, Report 1967-68, p. 109.

13-47-1.1. Board and facilities as educational television section.—The board and all its facilities and functions comprise the educational television office of the division of cultural affairs of the department of education and cultural affairs.

Source: SL 1973, ch 2, § 259.

13-47-2. Function of board of directors.—It shall be the function of the board to consider and establish policy for and exercise all necessary control over the state educational television network, and to carry out the duties imposed in this chapter, or as otherwise authorized and assigned to said board by law.

Source: SL 1965, ch 67, § 1.

13-47-3. Officers of board.—The board shall choose from its own members a chairman, secretary and treasurer.

Source: SL 1965, ch 67, § 2.

13-47-4. Employment of personnel by board — Supplies and equipment.—The board is hereby empowered and authorized to employ such clerical help and assistants as may be necessary, and as approved by the bureau of personnel, and to purchase such supplies and equipment as may be necessary.

Source: SL 1965, ch 67, § 4.

Commission Note.

The code commission has substituted "bureau of personnel" in this section for "division of employment" to reflect the change made by § 30, ch 23, SL 1973. See § 1-33-9.

13-47-5. Meetings of board—Rules and regulations—Reports.—The board shall meet as often as necessary to perform its duties. An affirmative vote of a majority of the members of the board shall be required to act on any matter falling within the scope of the board. The board shall make its own rules and regulations, not otherwise inconsistent with the statutes of the state of South Dakota, keep complete minutes of its meetings, and make reports as provided in chapter 1-28.

Source: SL 1965, ch 67, § 3; 1975, ch 128, § 324.

Cross-References.

Minutes to be filed with auditor-general, § 1-25-3.

Rules and regulations, procedure for adoption, §§ 1-26-4 to 1-26-14.

13-47-6. Expenses of board members.—Members of the board shall be compensated for their services at meetings of the board and shall be reimbursed for mileage, lodging and meals on the same basis as other state employees; provided, however, that no such compensation shall be paid to any member of the board who is otherwise a regular employee of the state. Claims for expenses authorized under this chapter are to be paid out of funds appropriated therefor, on warrants drawn by the state auditor upon duly itemized vouchers approved by the board.

Source: SL 1965, ch 67, § 6; 1967, ch 54.

Commission Note.

The code commission has deleted from this section a provision setting specific per diem expenses. This subject is now covered by § 4-7-10.4 and annual general appropriation acts.

Cross-Reference.

Travel expenses and allowances for state employees, §§ 3-9-1 to 3-9-8.

13-47-7. Television network sponsored by board.—The board shall have the power and duty to promote and sponsor a noncommercial educational television network to serve a series of interconnecting units throughout the state of South Dakota.

Source: SL 1965, ch 67, § 5.

13-47-8. Acquisition and use of property.—The board shall have the power and duty to acquire real estate and other property as an agency of the state of South Dakota, and to hold and use the same for educational television purposes.

Source: SL 1965, ch 67, § 5.

Cross-References.

Clear title to land required before erection of buildings, § 5-14-10.

Land records to be transferred to commissioner of school and public lands, § 5-1-8.

Opinions of Attorney General.

Zoning regulations cannot be enforced against board of regents property, since suit brought against board would be prohibited by immunity doctrine, Opinion No. 77-13.

13-47-9. Gifts and contributions for educational television.—The board shall have the power and duty to receive gifts and contributions from public and private sources in providing educational television facilities and programs.

Source: SL 1965, ch 67, § 5.

13-47-10. Acceptance and use of federal aid.—The board shall have the power and duty to accept, control, expend and use any federal funds, grants-in-aid, subventions, or other financial aids that are now, or may be, available to it for planning, construction, and operation of a state educational television network.

Source: SL 1965, ch 67, § 5.

Cross-Reference.

Co-ordination of federal funding, Chapter 4-8B.

Collateral References.

68 AmJur 2d, Schools, § 127.

13-47-11. Federal licenses for television—Applications, reports and requests to federal communications commission.—The board shall have the power and duty to apply for and to receive and hold such authorizations and licenses and assignments of channels from the federal communications commission as may be necessary to conduct such educational television programs by standard broadcast or by closed circuits, and to prepare, file and prosecute before the federal communications commission all applications, reports or other documents or requests for authorization of any kind necessary or appropriate to achieve the purposes set forth in this chapter.

Source: SL 1965, ch 67, § 5.

13-47-12. Construction, maintenance and operation of television facilities.—The board shall have the power and duty to contract for the construction, leasing, repair, maintenance and operation of television facilities.

Source: SL 1965, ch 67, § 5.

13-47-13. Contracting for interconnecting channel service.—The board shall have the power and duty to contract with qualified companies to provide interconnecting channels between broadcasting towers unless it is first determined by the board that state-owned interconnecting channels can be constructed and operated that would furnish a comparable quality of service at a cost to the state that would be less than if such channels were provided by qualified companies.

Source: SL 1965, ch 67, § 5.

13-47-14. Operation of television network consistent with federal regulations—Policies of division of elementary and secondary education.—The board shall have the power and duty to arrange for the operation of a state-wide educational television network, as directed by the board, consistent with the provisions of the Communications Act of 1934, as amended, and applicable rules, regulations and policies of the federal communications commission and, in so far as elementary and secondary education programs are concerned, consistent with policies of the division of elementary and secondary education.

Source: SL 1965, ch 67, § 5.

Federal Reference.

The Communications Act of 1934 and subsequent amendments are compiled as 47 U.S. Code § 151 et seq.

13-47-15. Establishment of general policy for educational television.—The board shall have the power and duty, after taking into consideration the needs of the entire state, to establish general policies relating to the nature and character of educational television broadcasts.

Source: SL 1965, ch 67, § 5.

13-47-16. Standard broadcast and closed circuit programs.—The board shall have the power and duty to arrange for and provide standard broadcast and closed circuit noncommercial educational television programs to South Dakota citizens and institutions.

Source: SL 1965, ch 67, § 5.

13-47-16.1. Powers of board extended to radio—Construction priorities—Allocation of frequencies.—The provisions of §§ 13-47-2, 13-47-7 to 13-47-12, inclusive, and 13-47-14 to 13-47-16, inclusive, relating to educational television shall also apply to educational radio broadcasting. The board shall also have the authority to approve and create construction priorities and the allocation of frequencies of proposed board-owned educational radio stations, and shall assist in the development of a state-wide channel allocation plan for noncommercial educational FM radio broadcasting, consistent with federal communications rules and regulations.

Source: SL 1974, ch 138.

13-47-17. Facilities not used for subversive purposes or to influence legislation.—The board shall have the power and duty to make certain that the facilities authorized by this chapter are not used for any purpose which is contrary to the Constitution of the United States or the state of South Dakota, or for broadcasting propaganda, or attempting to influence legislation.

Source: SL 1965, ch 67, § 5.

13-47-18. Lease arrangements for sharing cost of operating facilities.—The board shall have the power and duty to enter into contractual agreements for the purpose of sharing through lease arrangements the cost of operating facilities with federal, state or political subdivisions, and private persons, organizations or associations.

Source: SL 1965, ch 67, § 5 as added by SL 1968, ch 59.

13-47-19. Daily programs for use in elementary and secondary schools.—The state board of education is hereby authorized to arrange with the state board of directors for educational television time necessary during each and every school day for telecasting instructional television programs for use in the elementary and secondary schools of the state.

Source: SL 1970, ch 132, § 1.

13-47-20. Training of school personnel in use of television.—The state board of education may also arrange for suitable time to provide in-service training to schools to help instructional staff and other school personnel to better utilize the instructional television media.

Source: SL 1970, ch 132, § 1.

13-47-21. Advisory board to state board of education—Composition of executive committee.—The executive committee of the South Dakota Instructional Television Council, Incorporated, shall act as an advisory board to the state board of education and shall assist said board in reviewing, previewing and recommending elementary and secondary instructional television programs to be telecast to the schools of this state. The executive committee of the council shall be representative of the schools using the instructional television programming and shall advise the state board of education in order that the program of instructional television meets the needs of the local school systems.

Source: SL 1970, ch 132, § 2.

Commission Note.

Section 4, ch 2, SL 1973, provided in effect that the members of the instructional television advisory council should continue to be appointed and removed in the same manner and to serve for the terms provided by law prior to the transfer of the council to the division of elementary and secondary education.

13-47-21.1. Direction and supervision by division of elementary and secondary education—Independent functions retained by council.—The instructional television advisory council shall be administered under the direction and supervision of the division of elementary and secondary education and the board of education, but shall retain the quasi-judicial, quasi-legislative, advisory, other nonadministrative and special budgetary functions (as defined in § 1-32-1) otherwise vested in it and shall exercise those functions independently of the board of education.

Source: SL 1973, ch 2, § 242 (c).

Commission Note.

The code commission has constructed this section, paraphasing permanent language from § 3 (a), ch 2, SL 1973, to show the effect of § 242 (c), ch 2, SL 1973, which transferred the instructional television advisory council to the division of elementary and secondary education. See also § 1-45-7.

13-47-22. Services to districts outside state—Charge for services.—The state board of education, through a revolving fund, is empowered to offer elementary and secondary instructional services to school districts outside the boundaries of this state provided, however, that such services will only be provided on payment of an appropriate charge to recover the proportionate share of such programming.

Source: SL 1970, ch 132, § 3.

13-47-23. Receipts from sales placed in revolving fund.—Receipts for the sale of guides and other related material shall be placed in the revolving fund created by § 13-47-22.

Source: SL 1971, ch 143.

CHAPTER 38

EDUCATIONAL TELEVISION AND RADIO

SECTION.
49-3801. Legislative intent.
49-3802. Board of education authorized to establish and operate an educational television and radio network.
49-3803. Advisory committees.
49-3804. Contracts for construction of stations.
SECTION.
49-3805. Research.
49-3806. Procurement of funds and facilities.
49-3807. Board of education authorized to expend funds.
49-3808. Provisions of chapter prevail.

49-3801. Legislative intent. — It is hereby declared to be the intent of the general assembly of the state of Tennessee to establish an educational television and radio network in this state to meet more adequately the educational needs of the pupils in the public schools of Tennessee, and to meet the educational needs of out-of-school adults. [Acts 1963, ch. 168, § 1; 1969, ch. 6, § 1.]

Compiler's Notes. Acts 1955, ch. 254, §§ 1-6 as amended 1961, ch. 74, § 1 formerly compiled as §§ 49-3801 — 49-3806, were repealed by Acts 1963, ch. 168, § 8.

49-3802. Board of education authorized to establish and operate an educational television and radio network. — In order to carry out the intent expressed in § 49-3801, the state board of education, through its executive officer, is hereby authorized and directed to take such steps and to do whatever such board may deem necessary to carry out the intent of the general assembly of the state of Tennessee as stated in § 49-3801, and particularly, the state board of education, through its executive officer, is hereby authorized and directed to locate, to establish, to construct, and to operate an educational television and radio network in such manner that each public school in the state may ultimately be within television and radio receiving distance of one or more educational television and radio stations within said state educational television network. [Acts 1963, ch. 168, § 2; 1969, ch. 6, § 1.]

49-3803. Advisory committees. — Said state board of education, through its executive officer, is hereby authorized to appoint such advisory committee, or committees, or such consultant or consultants, as said board may deem necessary to advise the board in matters relating to the location, establishment, construction, and operation of said state educational television and radio network and on any other matters which said board may deem necessary in carrying out its duties under this chapter. [Acts 1963, ch. 168, § 3; 1969, ch. 6, § 1.]

Compiler's Notes. The educational television advisory committees created by this section shall terminate on June 30, 1985 by § 4-2908.

Section to Section References. This section is referred to in § 4-2908.

49-3804. Contracts for construction of stations. — The state board of education, through its executive officer, is hereby authorized to enter into contract or contracts with either public or private television and radio stations, county or counties, municipality or municipalities, state colleges or universities, or with any other public or private body, board, agency, or foundation, as said state board of education, through its executive officer, may deem necessary in order to carry out the provisions and purposes of this chapter. [Acts 1963, ch. 168, § 4; 1969, ch. 6, § 1.]

49-3805. Research. — The state board of education, through its executive officer, is hereby authorized to do, or have done for it, such research and experimentation in the field of educational television and radio as it may deem necessary in order to carry out the provisions and purposes of this chapter. [Acts 1963, ch. 168, § 5; 1969, ch. 6, § 1.]

49-3806. Procurement of funds and facilities. — The state board of education, through its executive officer, with the approval of the governor, is hereby authorized, (1) to accept grants of funds from any county or counties, or municipality or municipalities, or from any public or private body to be used for the purposes of this chapter, and (2) to accept, purchase, or lease from any county, city, or special school district, or from any public or private body, agency, or foundation, any educational television and radio facilities or other property, including the land on which said educational television and radio facilities or other property stand, which said state board of education, through its executive officer, may deem necessary in carrying out the provisions and purposes of this chapter.

Any county, city, or special school district, upon a majority vote of its governing body, is hereby authorized to donate, sell, or lease to the state board of education land and/or facilities or other property to be used for an educational television and radio network in this state; provided, however, that the state shall be vested with full, complete and clear title to such property as may be donated or sold to the state.

Furthermore, any county, or municipality, upon a majority vote of its governing body, is hereby authorized to make an outright grant of funds to the state of Tennessee to be used by the state board of education for the purposes authorized in this chapter. [Acts 1963, ch. 168, § 6; 1969, ch. 6, § 1.]

49-3807. Board of education authorized to expend funds. — The state board of education, through its executive officer, is hereby authorized to expend and/or obligate for the purposes of this chapter, such current funds or capital funds as may be appropriated or may hereafter be appropriated by the general assembly of the state of Tennessee for the purposes of this chapter; and to expend and/or obligate such federal funds as are, or may, be made available for the purposes of this chapter; and to expend and / or obligate such local funds or contributions as may be made available for the purposes of this chapter, to the end that a unified state educational television network may be located, established, constructed, and operated in the state of Tennessee for the benefit of the pupils in the public schools in this state and for the benefit of out-of-school adults.

Furthermore, wherever the words "and radio" are inserted in each of §§ 49-3801 — 49-3806, they shall be construed to be permissive rather than mandatory in meaning, that is to say, the state board of education is authorized, but not required, to establish, operate, construct, and to do or have done for it research and experimentation or to procure funds and facilities or to expend funds for radio purposes, it being the intent of the general assembly of the state of Tennessee, and it is hereby so declared, that the state board of education is authorized to take such actions with reference to educational radio as this chapter may authorize and as said board may deem to be appropriate, useful, and expedient; furthermore, the state board of education may provide, in any place, educational television to the exclusion of educational radio, or it may provide educational radio to the exclusion of educational television, or it may provide both educational television and educational radio. [Acts 1963, ch. 168, § 7; 1969, ch. 6, § 2.]

49-3808. Provisions of chapter prevail. — The provisions of this chapter shall prevail notwithstanding any provisions to the contrary in any other act of the general assembly of the state of Tennessee. [Acts 1963, ch. 168, § 9.]

CHAPTER 39

CONSOLIDATED RETIREMENT SYSTEM

8-3901. Definition of terms. — The following words and phrases as used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

. . .

(44) "Education television association" shall mean a nonprofit educational organization which has a contract with the Tennessee state department of education through its television division to provide education television service.

. . .

8-3938. Education association and certain other employers. — The administrative employees of the Tennessee Education Association, Tennessee Association of Secondary School Principals, educational television associations, the Tennessee School Boards Association and the Tennessee Secondary Schools Athletic Association shall be considered as teachers for the purpose of the retirement system and shall be eligible for membership herein under the same conditions as are applicable to teachers. They shall make the same contributions and shall be eligible for the same benefits as teacher members. They shall be allowed prior service credit for the service with which they were credited under the Tennessee teachers' retirement system as of the day preceding the date of establishment. Each association shall make normal contributions, special accrued liability contributions and cost-of-living contributions corresponding to the contributions payable by the state. The special accrued liability contributions shall be determined by an actuarial valuation of the accrued liability on account of the employees of the association who are members, in the same way as the accrued liability contributions for teacher members are determined. The contributions of each such association shall be paid by the association to the board of trustees of the retirement system at the same time the state's contributions are due and payable, and all benefits payable to employees of any such association shall be contingent upon the payment of the necessary contributions by the association and its employees. [Acts 1972, (Adj. S.), ch. 814, § 12; 1973, ch. 347, § 27.]

CHAPTER 42

TENNESSEE HIGHER EDUCATION COMMISSION

SECTION.
49-4201. Tennessee higher education commission created.
49-4202. Duties of commission.
49-4203. Further duties of commission.
49-4204. Scope of commission's studies and recommendations.
49-4205. Commission membership — Appointment — Number — Term — Vacancies — Restrictions.
49-4206. Employees of commission — Executive director — Qualifications — Travel expenses.

SECTION
49-4207. Organization of commission — Chairman — Other officers — Compensation of members.
49-4208. Identity and status of University of Tennessee retained.
49-4209. Rights, powers and duties of board of education not impaired.
49-4210. Professional employees of commission — Admission to University of Tennessee retirement system — Rights and obligations.
49-4211. Financial payments to private medical colleges — Definitions.
49-4212. Financial payments to private medical colleges — Higher education commission authorized to contract — Limitations on payments.

49-4201. Tennessee higher education commission created. — In order to achieve coordination and unity in the program of public higher education, there is hereby created the Tennessee higher education commission, hereinafter called the commission. [Acts 1967, ch. 179, § 1.]

Section to Section References. This section is referred to in § 49-3243.

49-4202. Duties of commission. — It shall be the duty of the commission on a continuing basis to study the use of public funds for higher education in Tennessee and to analyze programs and needs in the field of higher education. The commission shall in addition undertake such specific duties as may be directed by resolution of the general assembly or as may be requested by the governor. [Acts 1967, ch. 179, § 2.]

Cross-References. Academic Common Market, commission duties, § 49-3607.

Section to Section References. This section is referred to in § 49-3243.

49-4203. Further duties of commission. — In the discharge of its duties pursuant to § 49-4202, it shall further be the duty of the commission:

1. To develop a master plan for the future development of public higher education in Tennessee, taking into account the programs and functions of each of the existing institutions, and to make recommendations to the governing boards of the various institutions and to the governor and the general assembly for the implementation of the plan.

2. To develop policies and formulae or guidelines for the fair and equitable distribution and use of public funds among the state's institutions of higher learning, taking into account enrollment projections, and recognizing institutional differences as well as similarities in function, services, academic programs and levels of instruction. Such formulae or guidelines as are developed by the commission shall include provisions for capital outlay programs and operating expense, and shall be recognized by all state supported institutions of higher learning in preparing requests for appropriations. Such requests for appropriations shall be reviewed by the commission after submission to the commission by the governing boards of the various institutions. The commission shall determine whether the requests for appropriations conform to the formulae or guidelines developed by the commission. After making such determination, the commission shall

transmit such requests for appropriations to the governor with recommendations for approval or modification. In the implementation of this function the commission, in cooperation with the commissioner of finance and administration and the comptroller of the treasury, shall establish uniform standards of accounting and records and statistical reporting systems in accordance with accepted national standards, which standards shall be adhered to by the various institutions in preparing for submission to the commission statistical data and requests for appropriations.

3. To study the need for particular programs, departments, academic divisions, branch operations, extension services, adult education activities, public service activities and work programs of the various institutions of higher learning, with a particular view to their cost and relevance and to make recommendations to the respective governing boards of the various institutions for the purpose of minimizing duplication and overlapping of functions and services and to foster cooperative programs among the various institutions. The commissioner shall review tuition, maintenance fees and other charges assessed by each institution and make recommendations to the governing boards of the various institutions regarding adjustments.

4. To review and approve or disapprove all proposals for new degrees or degree programs, or for the establishment of new academic departments or divisions within the various institutions of higher learning. Determination of specific courses or course content, however, shall continue to be the exclusive function of the governing boards of the various institutions.

5. To conduct a program of public information concerning higher education in Tennessee.

6. To study and make determinations concerning the establishment of new institutions of higher learning, as to the desirability or undesirability of their establishment, their location, standards, functions, financing, and source of governance.

7. To submit a biennial report to the governor and the general assembly, commenting upon major developments, trends, new policies, budgets, and financial considerations which in the judgment of the commission will be useful to the governor and to the general assembly in planning for the sound and adequate development of the state's program of public higher education. [Acts 1967, ch. 179, § 3.]

Section to Section References. This section is referred to in § 49-3243

49-4204. Scope of commission's studies and recommendations. — The commission's studies and recommendations shall encompass the programs and authorities of the University of Tennessee, Tennessee Technological University, Austin Peay State College, Tennessee State University, Memphis State University, East Tennessee State University, Middle Tennessee State University and the community junior colleges. [Acts 1967, ch. 179, § 4; impl. am. Acts 1969, ch. 302, § 1.]

Section to Section References. This section is referred to in § 49-3243

49-4205. Commission membership — Appointment — Number — Term — Vacancies — Restrictions. — The commission shall consist of nine (9) members to be appointed by the governor. Membership shall be for a nine (9) year term. Each congressional district in the state shall be represented by at least one (1) member of the commission. Beginning on July 1, 1977, when the first full nine (9) year term begun July 1, 1968, ends, and continuing for the next eight (8) years as each succeeding nine (9) year term ends, the governor shall appoint persons to each vacancy who are residents of congressional districts not then represented on the commission until each district is represented. Thereafter when any vacancy occurs, the governor shall appoint a person from any district unrepresented at that time so that each district shall always be represented by at least one person. Members shall be eligible for reappointment. No person shall be appointed or reappointed after reaching (70) years of age. At least one third ($^{1}/_{3}$) of the appointive members shall be members of the principal minority political party in the state. Any vacancy on the commission shall be filled by appointment of the governor. Vacancies except for expiration of term shall be filled for the unexpired term only. The place of any member on the commission shall be vacated at such time as he may cease to reside in the congressional district in which he resided at the time of his appointment. No commission member shall be an elected or appointed official or employee of the state of Tennessee, nor a trustee, officer or employer of a public institution of higher learning in Tennessee while a member of the commission. [Acts 1967, ch. 179, § 5; 1973, ch. 120, § 2; 1975, ch. 287, § 1.]

Cross-References. Maximum age limit appointments to state boards and commissions, § 4-115.

Section to Section References. This section is referred to in § 49-3243.

49-4206. Employees of commission — Executive director — Qualifications — Travel expenses. — The commission is empowered to employ an executive director, define his duties, and, within budgetary limitations, fix his compensation. He shall serve at the pleasure of the commission. He must have such educational preparation and experience as will qualify him, in the commission's judgment, to understand and evaluate the problems and needs of the state's institutions of higher learning and to direct the studies of the commission. Within budgetary limitations and subject to the approval of the commissioner of personnel the commission is empowered to employ such other professional and staff employees as may be appropriate for the efficient discharge of its duties. The executive director and all other employees shall be reimbursed for travel expenses in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general. [Acts 1967, ch. 179, § 6; 1976 (Adj. S.), ch. 806, § 1(77).]

Section to Section References. This section is referred to in § 49-3243.

49-4207. Organization of commission — Chairman — Other officers — Compensation of members. — The commission's first meeting after all members have been appointed shall be upon the call of the governor. The commission thereafter shall meet at least four (4) times each year. The commission shall elect from its number a chairman and such other officers as it may deem appropriate, shall determine their terms as officers of the commission, and shall adopt rules for its organization and the conduct of its business. Commission members shall receive no compensation for their services, but shall be reimbursed for travel expenses in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general. [Acts 1967, ch. 179, § 7; 1976 (Adj. S.), ch. 806, § 1(77).]

Section to Section References. This section is referred to in § 49-3243.

49-4208. Identity and status of University of Tennessee retained. — The University of Tennessee shall retain its identity and status as a legal entity, a body politic and corporate and as one (1) of the state's federal land-grant institutions. Except as herein expressly provided, its board of trustees shall retain and exercise all the authority, rights, powers and duties, express or implied, vested in it by legislative charter and enactments and other applicable laws, and nothing in this chapter shall be construed to deprive the said board of the authority, rights, powers and duties conferred upon it by law in the government of the institutions, branches, colleges, divisions and departments now under its control, except those duties which by this chapter are expressly vested in the commission. [Acts 1967, ch. 179, § 12.]

Section to Section References. This section is referred to in § 49-3243.

49-4209. Rights, powers and duties of board of education not impaired. — Except for such powers as are vested in the commission by this chapter, nothing herein shall be construed to deprive the board of regents of the authority, rights, powers and duties conferred upon it by law, express or implied, in the government, control and operation of Austin Peay State College, East Tennessee State University, Memphis State University, Middle Tennessee State University, Tennessee State University, Tennessee Technological University, or in the operation and control of the community junior colleges. [Acts 1967, ch. 179, § 13; impl. am. Acts 1969, ch. 302, § 1; impl. am. Acts 1972 (Adj. S.), ch. 838, § 8.]

Section to Section References. This section is referred to in § 49-3243.

49-4210. Professional employees of commission — Admission to University of Tennessee retirement system — Rights and obligations. — Upon the request of the Tennessee higher education commission, its professional employees shall be permitted to become members of the University of Tennessee joint contributory retirement system, provided that the Tennessee higher education commission shall pay in behalf of its professional employees the members' contributions required under § 49-3333, and shall, in the event a professional employee of the Tennessee higher education commission shall retire as a member of the University of Tennessee joint contributory retirement system, reimburse the University of Tennessee, quarterly, for the employer's annuity paid to said employee in accordance with § 49-3333.

Any professional employee of the Tennessee higher education commission becoming a member of the University of Tennessee joint contributory retirement system as provided herein shall make the same contributions and shall be eligible for the same benefits and enjoy the same rights as any other member of the University of Tennessee joint contributory retirement system in accordance with § 49-3333, and the retirement policies adopted and amended from time to time by the board of trustees of the University of Tennessee. [Acts 1968 (Adj. S.), ch. 565, § 1.]

Section to Section References. This section is referred to in § 49-3243

49-4211. Financial payments to private medical colleges — Definitions. — For the purpose of §§ 49-4211, 49-4212, unless the context otherwise requires:

"Tennessee student" means any student who qualifies as a resident for purposes of tuition according to rules and regulations of the University of Tennessee;

"Medical college" means an accredited institution offering courses leading to the degree of doctor of medicine acting through its governing body;

"Additional Tennessee students" means an annual increase in the number of entering Tennessee students over the average number of entering Tennessee students for the immediate past ten (10) years. [Acts 1972 (Adj. S.), ch. 764, § 1.]

49-4212. Financial payments to private medical colleges — Higher education commission authorized to contract — Limitations on payments. — The higher education commission is authorized to contract with privately owned or endowed medical colleges in this state for the purpose of providing financial payments to the colleges in exchange for the colleges' accepting additional Tennessee students. Any financial payment authorized under the provisions of §§ 49-4211, 49-4212 shall be made in accordance with the following provisions and limitations:

(1) Each medical college which annually enrolls additional Tennessee students may receive annual financial payments for each of a maximum of ten (10) entering Tennessee students;

(2) Financial payments may be made for each additional Tennessee student in an amount not to exceed the per student appropriation to the University of Tennessee College of Medicine for the fiscal year ending prior to the academic year in which the additional Tennessee student or students are enrolled in the medical school;

(3) Such financial assistance may be continued from year to year until the entering Tennessee student has been granted a degree in medicine and contracts provided for in §§ 49-4211, 49-4212 may set forth the terms and provisions for continuation of such payments;

(4) The total financial payments to each medical college shall not exceed payments for more than forty (40) Tennessee students at each medical college during any fiscal year. [Acts 1972 (Adj. S.), ch. 764, § 2.]

CHAPTER 43

COMPACT FOR EDUCATION

SECTION.
49-4301. Compact for education enacted.
49-4302. Establishment of Tennessee education council — Appointment of members.
49-4303. Members of education council — Terms — Vacancies — Meetings.
49-4304. Chairman of compact commissioners — Cooperation with public and private entities — Employees.
SECTION.
49-4305. Compact commissioners - Compensation.
49-4306. Powers of compact commissioners.
49-4307. Cooperation of all state officers and agencies in carrying out the compact for education.
49-4308. Filing of compact commission by-laws with secretary of state.

49-4301. Compact for education enacted. — The compact for education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

COMPACT FOR EDUCATION

Article I. Purpose and Policy.

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state

Texas Vernon's Annotated Revised Civil Statutes of the State of Texas, as amended in the Cumulative Annual Pocket Part for 1978-1979

Art. 606a. State Telecommunications Consolidation Act of 1975

Short title

Section 1. This Act may be cited as the State Telecommunications Consolidation Act of 1975.

Definitions

Sec. 2. In this Act:

(1) "Telecommunications services" as used in this Act pertains to intercity communications facilities or services, provided that any dedicated circuits included as part of the consolidated system are considered to begin and end at the main connecting frame. "Telecommunications services" does not include single agency point-to-point radio systems or facilities or services of criminal justice information communication systems.

(2) "Consolidated telecommunications systems" is the network of telecommunications services serving the government of the State of Texas.

(3) "State agency" or "agency" means:

(A) any department, commission, board, office, or other agency that:

(i) is in the executive branch of state government;

(ii) has authority that is not limited to a geographical portion of the state; and

(iii) was created by the constitution or a statute of this state; or

(B) a university system or an institution of higher education as defined in Section 61.003, Texas Education Code, as amended, other than a public junior college or community college.

System of telecommunications services

Sec. 3. (a) The State Board of Control shall plan, establish, and manage the operation of a system of telecommunications services for all state agencies. Each agency shall identify its particular telecommunications services requirements and the site at which the service shall be provided.

(b) The board shall fulfill the telecommunication requirements of each state agency to the extent possible and to the extent that funds are appropriated or available for this purpose.

(c) The board may negotiate rates and execute contracts with telecommunication service utilities for services, lease transmission facilities on a competitive bid basis if possible, and develop, establish, and maintain carrier systems necessary to the operation of the telecommunications system established under this Act.

(d) All contracts with telecommunications carriers shall contain the provision that the State Board of Control or any participating agency may obtain any data relating to the costs to the state of parallel tolls.

Policies and guidelines

Sec. 4. (a) In order to insure efficient utilization of telecommunication systems at minimum cost to the state, the board shall promulgate and disseminate to all agencies appropriate policies, guidelines, operating procedures, and telephone directories.

(b) Each agency shall comply with the policies, guidelines, and operating procedures promulgated by the board. The board, with the advice of the State Auditor, shall maintain records relating to the consolidated telecommunications system as necessary to enable the board to analyze the cost effectiveness of the system to the state agencies, and shall advise the legislature at each session as to the cost effectiveness of the system. If, in the opinion of the board, the total cost of the system reaches a level which would justify total state ownership and operation of the system, the board shall recommend to the legislature the implementation of such action.

Balancing of technological advancements and existing facilities

Sec. 5. In the planning, design, implementation, and operation of the telecommunication systems and facilities, the board shall maintain an appropriate balance between the adoption of technological advancements and the efficient utilization of existing facilities and services in order to avoid misapplication of state funds and degradation or loss of the integrity of existing systems and facilities.

Facilities and services to be integrated or shared

Sec. 6. Telecommunication facilities and services, to the extent feasible and desirable, shall be provided on an integrated or shared basis, or both, to avoid waste of state funds and manpower.

Payment for services and facilities

Sec. 7. (a) The board shall develop a system of billings and charges for services provided in operating and administering the consolidated telecommunication system, which allocates the total state cost to each entity serviced based on proportionate usage.

(b) The comptroller of public accounts shall establish in the State Treasury a revolving account for the administration of this Act. The account shall be used as a depository for funds received from entities served and as a source of funds to purchase, lease, or otherwise acquire services, supplies, and equipment, and to pay salaries, wages, and other costs directly attributable to the provisions and operations of the system.

(c) In order to provide an adequate cash flow as may be necessary for purposes of this Act, using state agencies and other entities, upon proper notification, shall make monthly payments into the telecommunication revolving fund account from appropriated or other available funds. The legislature, in its discretion, may appropriate funds for the operation of the system directly to the board. In that case the revolving fund shall be used to receive funds due from local government entities and other agencies to the extent that their funds are not subject to legislative appropriation.

Participation by local governments, et cetera

Sec. 8. The board may contract with each house of the legislature, legislative agencies, counties, cities, districts, and other political subdivisions and agencies not within the definition of "state agency," for utilization of the state telecommunication system.

Designated agent

Sec. 9. The board is designated as the agency of this state responsible for obtaining telecommunication services.

Acts 1975, 64th Leg., p. 875, ch. 333, eff. June 6, 1975.

Title of Act:

An Act relating to telecommunications services for certain state agencies; vesting certain duties and functions in the State Board of Control; relating to the funding of the telecommunications system and authorizing pro rata payment for such services by the state agencies through the comptroller of public accounts; authorizing the board to contract with other local and state agencies for utilization of the telecommunications system; and declaring an emergency. Acts 1975, 64th Leg., p. 875, ch. 333.

Library References

Telecommunications ⚷16.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 96–103.

Texas Education Code
Chapter 21
Section 911

"Section 21.915. FINANCIAL SUPPORT FOR INSTRUCTIONAL TELEVISION SERVICES. (a) Any school district of this state classified common, independent school district or rural high school district whose governing board elects to contract for and utilize instructional television programs and services as an integral part of its classroom instruction with non-commercial FCC licensed stations and other nonprofit originating video communication systems to provide programs and instructional television utilization services shall, upon application and pursuant to regulations prescribed by the Central Education Agency, be reimbursed for such costs from state funds to the extent herein authorized. The regulations shall contain provisions whereby the local board of trustees may, at their option, become the prime fiscal agent and contract with noncommercial FCC licensed stations and other nonprofit originating video communication systems in order to permit development of instructional television programs specifically designed to enhance the local districts instructional program.

"(b) The annual cost of such television service programs of the district shall be borne by the state but shall not exceed $1.50 per pupil determined on the Average Daily Attendance (ADA) of the district for the preceding school year.

"(c) The state's cost shall be paid from the foundation school fund, and this cost shall be considered by the Foundation School Fund Budget Committee in estimating the funds needed for foundation school program purposes.

"(d) The commissioner of education shall appoint an advisory committee to make recommendations regarding governance, planned needs, criteria for establishing eligibility, and a process for program and fiscal accountability under this section. This advisory committee shall include representation from each instructional FCC licensed television broadcasting service and representation of educational consumers.

"(e) Combined expenditures under this section for each year may not exceed $1,625,000."

CHAPTER 42

EDUCATIONAL TELEVISION

Section 53-42-1. Joint committee on educational television—Members.
53-42-1.1. Governing board—Use of terms.
53-42-2. Purpose, duties and powers of the joint committee on educational television—Intent of legislature to establish state-wide system.
53-42-3. Recommendations to legislature by joint committee.

53-42-1. Joint committee on educational television—Members.—Whenever the state board of education and co-ordinating council on higher education consider such action appropriate, and in any event within sixty days after the effective date of any federal legislation which may be enacted making funds available to the state of Utah for the development of educational television, said board and council shall create a joint committee on publicly owned educational television composed as follows:

(a) Four members shall be selected by the state board of education, two of whom shall be selected from among its membership, one being its executive officer and one at large.

(b) Four members shall be selected by the co-ordinating council on higher education, two of whom shall be selected from among the membership, one its executive officer and one at large.

(c) One member shall be selected by each licensee of a publicly owned educational television channel.

(d) The committee may name up to, but not to exceed nine, nonvoting, associate members as it may deem advisable, such members to represent the various television interests in the state of Utah.

The joint committee shall prescribe its own internal organization and may establish appropriate rules and regulations consistent with the provisions of this act.

History: L. 1961, ch. 123, § 1; 1967, ch. 127, § 1.

Compiler's Notes.

The 1967 amendment inserted "publicly owned" after "joint committee on" in the introductory paragraph, revised subds. (a) and (b) to substitute "two of whom * * * and one at large" for "three of whom shall be selected from among the membership and one shall be its executive officer," inserted subd. (c) and designated former subd. (c) as subd. (d).

Title of Act.

An act authorizing the state board of education and co-ordinating council on higher education to establish a joint committee on educational television and authorizing such committee to accept and administer federal grants for educational television.

53-42-1.1. Governing board—Use of terms.—The terms "council" and "co-ordinating council of higher education" as used in this chapter shall mean the "board of higher education."

History: C. 1953, 53-42-1.1, enacted by L. 1969, ch. 141, § 7.

Compiler's Notes.

Section 10 of Laws 1969, ch. 141 provided: "This act shall take effect July 1, 1969."

Cross-Reference.

Higher Education Act of 1969, 53-48-1 et seq.

53-42-2. Purpose, duties and powers of the joint committee on educational television—Intent of legislature to establish state-wide system.—The joint committee on publicly owned educational television shall have responsibility for over-all co-ordination of educational television in Utah. It shall serve as a forum for deliberation on publicly owned educational television problems of mutual concern to the board and council and to other educational agencies in the state. Said joint committee is hereby empowered and authorized to serve as the official agency representing the state of Utah to receive such state, private and federal funds as may be made available to the committee for general educational television purposes, and to administer and allocate such funds consistent with the provisions of any law applicable thereto. The committee is hereby authorized also to enter into agreements and contracts in the development and improvement of the educational television service in Utah.

It is the intent of the legislature to discourage the proliferation of unco-ordinated public educational television broadcast facilities and to establish a state-wide system which provides opportunity for the participation in scheduling and programming for all universities, colleges and school districts, such programming and scheduling to be supervised by the joint committee for educational television.

History: L. 1961, ch. 123, § 2; 1967, ch. 127, § 2.

Compiler's Notes.

Prior to the 1967 amendment this section read: "The joint committee on educational television shall serve as a forum for deliberation on educational television problems of mutual concern to the board and the council. Said joint committee is hereby empowered and authorized to serve as the official agency representing the state of Utah to receive such federal funds as may be made available to the state for general educational television purposes, and to administer and allocate such funds consistent with the provisions of any law applicable thereto."

53-42-3. Recommendations to legislature by joint committee.—The joint committee on television as a result of appropriate studies, may make such recommendations to the legislature on the purposes and organization of educational television in Utah as are considered desirable.

History: L. 1961, ch. 123, § 3; 1967, ch. 127, § 3.

Compiler's Notes.

The 1967 amendment deleted "in consultation with the Utah educational television foundation and" following the first use of the word "television."

and vice-chairman of the councils of the technical colleges shall hold office for one year, but their successors shall be chosen for two years; and each shall serve until their successors have been chosen and qualified.

(6) Each council may enact such bylaws for its own government as it deems necessary, including provision for regular meetings of the council. Copies of the council's bylaws shall be submitted to the state board of regents.

(7) A quorum for conducting the business of each council shall consist of six members. Each council shall have the authority to establish such committees as it deems necessary to properly fulfill its responsibilities; provided, that such committees shall be advisory only. All matters requiring council determination shall be presented to and considered by the entire council.

(8) Each member of the council shall receive as compensation for services a per diem allowance as established by the board of examiners and each member may be paid the actual expenses incurred in attending to the authorized business of the council when such payment is authorized and approved by the state board of regents.

History: L. 1969, ch. 138, § 19; 1975, ch. 152, § 1; 1978, ch. 25, § 3.

Compiler's Notes.

The 1975 amendment, in subsec. (3), inserted "The president of the associated students of the institution shall serve as the tenth member of the council"; and, in subsec. (7), increased the number of council members required for a quorum from five to six.

The 1978 amendment deleted the proviso at the end of subsec. (1) as set out in the parent volume; substituted "board of regents" in three places for "board of higher education"; inserted "advice and" before "consent" in subsec. (3); inserted the fourth sentence of subsec. (3); inserted the introductory phrase at the beginning of the fifth sentence of subsec. (3); inserted the seventh sentence of subsec. (3); substituted "four-year terms" for "a full term" in the eighth sentence of subsec. (3); inserted "appointed" in the tenth sentence of subsec. (3); added the final sentence to subsec. (3); added the second sentence to subsec. (5); and made minor changes in phraseology and punctuation.

Repealing Clause.

Section 4 of Laws 1978, ch. 25 provided: "Sections 53-16-17, 53-16-18, and 53-16-19, Utah Code Annotated 1953, as amended by chapter 116, Laws of Utah 1967, are repealed."

Effective Date.

Section 5 of Laws 1978, ch. 25 provided: "This act shall take effect on July 1, 1978."

53-48-20. Board designated state agent for federal aid, etc.

University investments.

The provisions of subdivisions (3)(c) and (d) of this section do not authorize state university to invest in common stocks; since this authority is not specifically granted elsewhere, such investment was ultra vires. First Equity Corp. of Florida v. Utah State University, 544 P. 2d 887.

53-48-20.5. Legislative findings—Television broadcasting by University of Utah—Sources of financing.—(1) The legislature hereby finds and determines that:

(a) A public television broadcasting facility is needed in the State of Utah and KUED or its successor should be and is hereby designated as that facility.

(b) KUED has been and is now licensed to the University of Utah under the affiliation of the Public Broadcasting Service (PBS), and is under the administrative supervision of the University of Utah, subject to the authority and control of the Utah state board of regents.

(2) Pursuant to policies and procedures established by the board, the University of Utah, acting for and on behalf of KUED or its successor and subject to the requirements of its license and applicable regulations of the Federal Communications Commission, is authorized to, and within the limits of available funding shall:

(a) Subject to section 53-48-20, accept and use gifts, and apply for and receive funds, from federal and other sources for carrying out the purposes of this section;

(b) Develop, maintain, and operate a public television broadcasting service, including a state television translator system for transmitting its signal into as many communities of the state as may be economically and technically feasible and lawfully permissible under its operating license, and in conjunction therewith, cooperate with the state and local governmental and educational agencies and provide leadership and consulting services in regards to signal reception;

(c) Provide, produce, and coordinate the production of a broad spectrum of programs of an educational, cultural and entertaining nature designed to promote the public interest and welfare of the State of Utah;

(d) Cooperate with the Utah state board of education to provide the public schools of Utah with the following services:

(i) Broadcasting during school hours of educational and administrative programs approved and scheduled by the state board of education;

(ii) Studio production for the creation of educational programs;

(iii) Duplication of program masters for broadcast purposes;

(iv) Non-studio production services for the compilation of various production elements into completed programs; and

(v) Program previewing;

(e) Provide public service announcements and program support for state and local government agencies throughout Utah, thereby forming a major communication link among the state's communities;

(f) Provide program broadcasting and instructional television support to the University of Utah and other institutions of higher education in the State of Utah;

(g) Co-operate with Utah State University in preparation, scheduling and broadcast of programs produced at its production center.

History: C. 1953, 53-48-20.5, enacted by L. 1977, ch. 179, § 1.

Title of Act.

An act amending the Higher Education Act of 1969 by enacting section 53-48-20.5, Utah Code Annotated 1953; relating to the designation of station KUED as the public broadcasting facility for the State of Utah; providing for the administration of KUED subject to the authority of the Utah state board of regents and for the services to be provided by KUED to state and local government agencies, and to higher education institutions; and making appropriations for support of KUED and related statewide television services.—Laws 1977, ch. 179.

Appropriation.

Section 2 of Laws 1977, ch. 179 provided: "Under the terms and conditions of section 63-33-3, there is appropriated for the fiscal year ending June 30, 1978, to the University of Utah, from the general fund the sum of $659,700 and from the uniform school fund the sum of $166,000 for the use, support, and maintenance of KUED or its successor and the county translator operations authorized by this act; to Utah State University, from the general fund the sum of $85,700 for programs produced at its production center; to the board of regents from the general fund the sum of $78,500 for coordination of statewide television and for interinstitutional instructional television activities coordinated by the office of the commissioner of higher education."

CHAPTER 48a—REPORTS OF SALARY PAID ADMINISTRATORS, FACULTY AND OTHER EMPLOYEES

Section

53-48a-1. Purpose of act.
53-48a-2. Definitions.
53-48a-3. Reports of summarized salary data required—Format and contents.
53-48a-4. Reports filed and open to inspection—Copies.
53-48a-5. Personally identifiable salary data.

53-48a-1. Purpose of act.—The legislature finds and determines that the citizens of this state have a legitimate interest in being informed as to the level of salaries paid to administrators, faculty members, and other employees of institutions of higher education. It also finds and determines, however, that those employees have a right to reasonable privacy with respect to their personal affairs, including their individual salaries. It further finds and determines that specific procedures should be provided by law to implement the public's right to be so informed, while safeguarding to a reasonable degree the privacy of the individual employees, and preventing the imposition of unnecessary and burdensome administrative costs upon such institutions in responding to requests for salary information.

History: L. 1979, ch. 113, § 1.

Title of Act.

An act relating to institutions of higher education; providing for filing of reports of salary information by such institutions; prescribing the format for such reports; and making those reports open for public inspection and copying.- Laws 1979, ch. 113.

53-48a-2. Definitions.—As used in this act:

(1) "Board" means the state board of regents.

(2) "Employee" includes any executive officer, administrator, faculty member, classified staff employee, or other salaried individual in the higher education system whose gross salary is paid, to any extent, from state-appropriated funds.

(3) "Full-time position" means an office or position which is classified by the applicable rules and regulations of the employing institution as permanent in nature and as qualifying the occupant for full participation in the institution's retirement and insurance benefit programs.

(4) "Gross salary" means the amount of the approved annual base salary provided for an employee who holds a full-time position. It does not include any costs of retirement contributions, insurance premiums and other benefits paid by the institution for or on behalf of the employee, any

Chapter 86. Educational Television

SECTION

2801. Gifts.
2802. Construction.
2803. Purposes.
2804. Instructional television committee; term of office.
2805. Broadcasting council; term of office.

§ 2801. Gifts

The trustees of the university of Vermont and state agricultural college may accept any gift of money or real or personal property, from any source whatever, and grants in aid from the federal government to assist in carrying out the purposes of this chapter. —1966, No. 23 (Sp. Sess.), § 4, eff. March 10, 1966.

§ 2802. Construction

The university of Vermont and state agricultural college may acquire real estate, construct, operate, manage and equip television broadcast stations and related auxiliary broadcast stations including microwave facilities, and may interconnect with any other television station or network for the purpose of providing a statewide education television network for the transmission of programs to pupils in schools, colleges and universities in Vermont, as well as to the public generally throughout the state; and may enter into any contract, considered necessary to carry out the purposes of this chapter. Title to the facilities created under this chapter shall be held in the name of the university of Vermont and state agricultural college.—1966, No. 23 (Sp. Sess.), § 5, eff. March 10, 1966.

§ 2803. Purposes

The action of the university of Vermont and state agricultural college in applying for construction permits and federal matching funds in connection with educational television in Vermont is expressly ratified and confirmed. The university of Vermont and state agricultural college may hold all necessary governmental authorizations for all facilities contemplated by this chapter, and shall take all acts necessary for the efficient and economical operation of those facilities according to good educational and engineering practices, all in accordance with applicable law, rules and regulations.—1966, No. 23 (Sp. Sess.), § 6, eff. March 10, 1966.

§ 2804. Instructional television committee; term of office

The Vermont instructional television committee is created for the purpose of consulting with and advising the board of trustees of the university of Vermont and state agricultural college in the determination of all elementary and secondary in-school instructional television programming, policy and courses for the Vermont educational television network. The committee shall include the commissioner of education and one representative from each of the following: Vermont education association, Vermont superintendents association, Vermont headmasters association, Vermont elementary principals association, the diocesan schools of Vermont, Vermont state department of education, Vermont association for supervision and curriculum development, and Vermont state school directors association.

The governor shall appoint the members other than the ex officio member for two-year terms.—1966, No. 23 (Sp. Sess.), § 7, eff. March 10, 1966.

§ 2805. Broadcasting council; term of office

The Vermont educational television broadcasting council is created for the purpose of consulting with and advising and assisting the board of trustees of the university of Vermont and state agricultural college in carrying out the purposes of this chapter. The council shall include the following:

(1) The governor or a representative assigned by him.

(2) The president of the university of Vermont, or a representative designated by him, who shall serve as chairman.

(3) The commissioner of education or a representative designated by him.

(4) The general manager of Vermont ETV network (administrative officer, ex officio).

(5) The president of the Vermont education association or a representative designated by him.

(6) The president of the Vermont school directors association or a representative designated by him.

(7) The president of the Vermont headmasters association or a representative designated by him.

(8) The president of the Vermont superintendents association or a representative designated by him.

(9) The president of the Vermont elementary principals association or a representative designated by him.

(10) The president of the Vermont classroom teachers association or a representative designated by him.

(11) The superintendent of diocesan schools of Vermont or a representative designated by him.

(12) The chairman of the board of Vermont state colleges, inc., or a representative designated by him.

(13) The president of Vermont higher education council or a representative designated by him.

(14) Two members to be appointed by the speaker of the house from the members thereof and two members from the senate to be appointed by the committee on committees.

(15) The governor shall appoint the members other than ex officio members for two-year terms unless otherwise provided.

(16) A representative of commercial television in Vermont.—1966, No. 23 (Sp. Sess.), § 8, eff. March 10, 1966.

CHAPTER 16.

PUBLIC TELECOMMUNICATIONS.

§§ 22-331 to 22-344.3: Repealed by Acts 1977, c. 672.

Cross reference. — For present provisions as to public telecommunications, see §§ 22-344.4 to 22-344.15.

Code Commission note. — Section 22-335 was amended by Acts 1974, c. 227. Section 22-342 was previously repealed by Acts 1964, c. 447; § 22-344.1 was previously repealed by Acts 1972, c. 634.

CHAPTER 16.1.

PUBLIC TELECOMMUNICATIONS.

Sec.
22-344.4. Title.
22-344.5. Definitions.
22-344.6. Virginia Public Telecommunications Council continued; functions; Governor may assign duties to other agencies.
22-344.6:1. Appointment of Director; Director to employ personnel.
22-344.7. General powers and duties of Council.
22-344.8. Members of Council; appointment, terms, compensation, meetings, etc.
22-344.9. Master Plan for State; modification; State agencies to cooperate.
Sec.
22-344.10. Telecommunications Facilities and Services Fund.
22-344.11. Application for and award of grants from fund.
22-344.12. Limit on contribution by State to cost of project.
22-344.13. Payments from fund.
22-344.14. State public telecommunications network.
22-344.15. Use of telecommunications programs in schools.

§ 22-344.7. **General powers and duties of Council.** — In carrying out the purposes of this chapter, the Council, through its chairman, is authorized:

1. To acquire and require such reports and make such inspections and investigations as it deems necessary;

2. To procure the temporary services of experts or consultants when such services are to be performed on a part-time or fee-for-service basis;

3. To enter into agreements for the utilization of the facilities and services of other public or private departments, agencies and institutions;

4. To apply for, accept on behalf of the State, and to deposit with the State Treasurer any grant, gift, or contribution made to assist in meeting the cost of carrying out the purposes of this chapter, and to expend the same for such purposes;

5. To assist applicants awarded grants pursuant to the chapter in planning, developing and operating projects and to grant and administer State aid therefor as permitted in this chapter;

6. To maintain an inventory of existing telecommunications facilities and to survey periodically the need for additional telecommunications facilities;

7. To coordinate the development and use of telecommunications facilities and telecommunications services;

8. To promulgate regulations to carry out the provisions of this chapter, including reasonable standards and criteria for awarding grants as provided in this chapter, governing the extent to which existing facilities may be considered in determining the applicant's share, if any, of the cost of a project, and governing the method of transmission of telecommunications services;

9. To acquire, produce and distribute programs for telecommunications services to any area of the State, and to make necessary contracts for such acquisition, production and distribution;

10. To acquire property and construct, maintain and operate telecommunications facilities and telecommunications services and to produce programs therefor;

11. To enter into contracts with applicants who are awarded grants pursuant to this chapter and others in furtherance of the purposes of this chapter. (1977, c. 672; 1978, c. 653.)

§ 22-344.8. **Members of Council; appointment, terms, compensation, meetings, etc.** — A. The terms of the incumbent members of the Council shall expire on July one, nineteen hundred seventy-eight, provided that they shall continue to serve until their successors assume office.

B. Notwithstanding the provisions of § 2.1-42.1, the Council shall consist of fourteen members including the President of the Board of Education, the Chairman of the State Council of Higher Education, the Chairman of the State Board of Community Colleges, and the Chairman of the Board of Trustees of the Virginia Museum of Fine Arts. The remaining members shall be appointed by the Governor, one from each congressional district of the State, the appointments to be subject to confirmation by the General Assembly. Each of the local nonprofit telecommunications entities of the State may recommend nominees to the Governor from their respective congressional districts. Such members from congressional districts shall be appointed for the following initial terms: two shall be appointed for a term of one year, two shall be appointed for a term of two years, three shall be appointed for a term of three years and three shall be appointed for a term of four years. Thereafter the successors of all appointed members shall be appointed for the term of four years each. Vacancies other than by expiration of term shall be filled by the Governor for the unexpired term. No member shall serve more than two consecutive four-year terms. No member of the Council may be the chief executive officer of any State agency, a member of the General Assembly, or an officer, director or employee of any local nonprofit telecommunications entity of the State.

§ 22-344.4. Title. — This chapter may be cited as the "Public Telecommunications Act." (1978, c. 653.)

§ 22-344.5. Definitions. — As used in this chapter:

(a) *"Telecommunications"* means any origination, transmission, emission or reception of signs, signals, writing, images and sounds, or intelligence of any nature, by wire, radio, television, optical or other electromagnetic systems;

(b) *"Telecommunications services"* means noncommercial, nonprofit telecommunications to serve education, health, safety, welfare and human development, including without limitation, uses for preschool, elementary, secondary, higher and continuing education and for public information and cultural purposes;

(c) *"Telecommunications facilities"* means apparatus, equipment and material necessary or useful in the nonprofit production, distribution or interconnection of electronic communications, including without limitation, apparatus, equipment and material for towers, broadcast television and radio transmitters, instructional television fixed service, satellite communications, cable television, cassette-cable television, radio, television, film production, programs and receiving equipment, buildings and structures to house such apparatus, equipment and material, and the land necessary therefor, and other technological innovations and inventions to produce, transmit, interconnect or receive electronic communications;

(d) *"Nonprofit"* means that no part of the net earnings enures, or may lawfully enure, to the benefit of any private shareholder or individual;

(e) *"Council"* means the Virginia Public Telecommunications Council;

(f) *"The Fund"* means the Telecommunications Facilities and Services Fund;

(g) *"Project"* means the construction, improvement, maintenance and operation or acquisition in any manner of any telecommunications facilities or the providing of telecommunications services, or a combination thereof, including the production and acquisition of programs therefor and technical assistance and State aid in the utilization of such facilities and services. (Code 1950, § 2.1-232, 1966, c. 677, 1977, c. 672; 1978, c. 653.)

§ 22-344.6. Virginia Public Telecommunications Council continued; functions; Governor may assign duties to other agencies. — The Virginia Public Telecommunications Council, heretofore established by law, is continued in the office of the Governor. The Council shall be charged with assisting counties, cities and towns, the various departments, agencies and institutions of the State, the nonprofit telecommunications entities in the State, and others engaged in the nonprofit use of telecommunications services, in the construction, establishment, operation and use of telecommunications facilities and telecommunications services and programs therefor.

The Governor may, upon request of the Council, assign to any agency within his office all or any part of the duties imposed upon the Council by this chapter. (1978, c. 653.)

§ 22-344.6:1. Appointment of Director; Director to employ personnel. — The Council shall be headed by a Director who shall be appointed by the Governor, subject to confirmation by the General Assembly, to serve at the pleasure of the Governor. The Director shall employ such personnel as may be required to carry out the purposes of this chapter. (1978, c. 653.)

C. The Governor shall designate a member to serve as Chairman and the members may elect from their number a vice-chairman.

D. The Council shall meet at least quarterly and at the call of its Chairman.

E. The Chairman shall designate an employee to act as secretary to the Council.

F. Council members shall be reimbursed for their actual and necessary expenses for travel and subsistence incurred in performance of their duties as Council members away from their places of residence. Such expenses shall be paid from such funds as may be appropriated for the purpose. (Code 1950, § 22-335; 1962, c. 428, § 5; 1972, c. 634; 1974, c. 227; 1977, c. 672; 1978, c. 653.)

§ 22-344.9. Master Plan for State; modification; State agencies to cooperate. — The Master Plan for Public Telecommunications heretofore approved by the Council shall remain in force to the extent that it is not inconsistent with the provisions of this chapter. The Council shall review and conform the Master Plan to the provisions of this chapter by December thirty-first, nineteen hundred seventy-eight and shall thereafter review and modify the Master Plan from time to time so that there may be a continuous Master Plan for the development, establishment, administration, operation and coordination of telecommunications facilities and services throughout the Commonwealth. The Master Plan shall, insofar as possible, provide for the distribution of telecommunications facilities and services throughout the State in such manner as to make telecommunications services reasonably accessible to persons desiring the same throughout the State. In considering the Master Plan for telecommunications facilities and services, the Council shall take into account those telecommunications facilities, including without limitation cable television and other telecommunications systems, which are, or are likely to be, owned or operated by private for-profit organizations. The Board of Education and other State agencies shall cooperate with the Council and shall furnish such services as may be agreed upon. (Code 1950, §§ 22-338, 22-339; 1962, c. 428, § 8; 1964, c. 447; 1972, ch. 634; 1977, c. 672; 1978, c. 653.)

§ 22-344.10. Telecommunications Facilities and Services Fund. — A. The Telecommunications Facilities and Services Fund, heretofore established by law separate and apart from all public moneys and funds of the State, is continued. Moneys received by the Council for projects shall be deposited to the credit of the fund.

B. The Council may make grants from the fund for projects upon application therefor. Grants shall be awarded in the order of the relative need for the projects. (Code 1950, § 22-343; 1962, c. 428, § 13; 1964, c. 447; 1972, c. 634; 1977, c. 672; 1978, c. 653.)

§ 22-344.11. Application for and award of grants from fund. — An application for a grant from the fund for a project shall be submitted to the Council in such form and manner as may be prescribed by the Council. The Council shall afford to every applicant for a grant from the fund for a project an opportunity for a hearing. If the Council, after affording reasonable opportunity for development and presentation of applications in the order of relative need, finds that an application complies with the requirements of this chapter, that there is a need for the project and that the project is otherwise in conformity with the Master Plan, it may approve such application and award a grant to the applicant. (Code 1950, § 22-340; 1962, c. 428, § 10; 1964, c. 447; 1972, c. 634; 1977, c. 672; 1978, c. 653.)

§ 22-344.12. Limit on contribution by State to cost of project. — The amount of any grant from the fund awarded by the Council for a project shall not exceed such amount as may be determined by the Council. No part of any such grant shall be made available by the Council unless and until the Council has satisfactory assurances that the necessary funds to finance the remaining cost, if any, of the project have been or will be made available from sources other than the grant. In making the determination of the applicant's share of the cost of a project, the Council may consider the values of existing or partially completed telecommunications facilities.

In determining the amount of funds from sources other than the grant available to finance any project, the Council shall take into account the value of any building or space within any building and facilities thereof provided by funds of any local jurisdiction or juridictions of the State or part of any community college or other education institution of the State or local government for the purpose of such project, provided such applicant has entered into a lease or occupancy agreement for a term of at least twenty years. (Code 1950, § 22-344; 1962, c. 428, § 14; 1964, c. 447; 1970, c. 749; 1972, c. 634; 1977, c. 672; 1978, c. 653.)

§ 22-344.13. Payments from fund.—Payments pursuant to a grant from the fund for a project shall be made only for work performed, or purchases made, in carrying out the project. Invoices for all payments from the fund shall bear the signature of the agent of the Council duly authorized for that purpose. The Council shall determine when payment from the fund is to be made toward the cost of an approved project and the conditions of such payment. Such payment shall be made by the Treasurer upon warrants signed by the Comptroller and vouchers signed by the chairman of the Council. (Code 1950, § 22-343; 1962, c. 428, § 13; 1964, c. 447; 1972, c. 634; 1977, c. 672; 1978, c. 653.)

§ 22-344.14. State public telecommunications network. — The Council is authorized to make provision for a State public telecommunications network for the purpose of interconnecting the telecommunications facilities serving Virginia, to determine the best methodology to be employed, to hold title to State-owned facilities where used, to make arrangements for the operation thereof and to pay the cost of building, maintaining and operating such interconnection facilities where state-owned. (Code 1950, § 22-344.2; 1970, c. 749; 1972, c. 624; 1977, c. 672; 1978, c. 653.)

§ 22-344.15. Use of telecommunications programs in schools. — No telecommunications program shall be utilized in any public school without such use having first been approved by the Board of Education or by the school board of the school division responsible for the school or schools in which such program is to be utilized subject to regulations promulgated by the Board of Education. (1978, c. 653.)

CHAPTER

Effective 7/1/80

An Act to amend and reenact §§ 2.1-51.27, 2.1-454 and 15.1-23.1 of the Code of Virginia, to amend the Code of Virginia by adding in Title 2.1 a chapter numbered 35.1, consisting of sections numbered 2.1-563.1 through 2.1-563.12, the amended and added sections creating a Department of Telecommunications and a Virginia Public Telecommunications Board.

[S 462]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-51.27, 2.1-454 and 15.1-23.1 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Title 2.1 a chapter numbered 35.1, consisting of sections numbered 2.1-563.1 through 2.1-563.12, as follows:

§ 2.1-51.27. Agencies for which responsible.–The Secretary of Administration and Finance shall be responsible to the Governor for the following agencies: Department of Planning and Budget, Department of Management Analysis and Systems Development, Department of Computer Services, *Department of Telecommunications* , Department of Intergovernmental Affairs, Department of Personnel and Training, ~~Division of Engineering and Buildings, Division of Records, Department of Property Records and Insurance, Department of Purchases and Supply, Virginia Public Telecommunications Council, Division of Consolidated Laboratories~~ *Department of General Services* , Department of Taxation, Department of the Treasury, Department of Accounts, Compensation Board, Virginia Supplemental Retirement System, Board of Elections, Treasury Board, and State Commission on Public Debt. The Governor may, by executive order, assign any other State executive agency to the Secretary of Administration and Finance, or reassign any agency listed above to another secretary.

§ 2.1-454. Aid and cooperation of Division may be sought by political subdivisions, public telecommunications entities and local officers in making purchases; use of facilities of central warehouse.--The boards of supervisors, or other governing bodies, of political subdivisions, the several counties and the councils of the several cities and towns, the governing bodies of ~~educational television~~ *public telecommunications* entities *, as defined in § 2.1-563.1 of this Code,* in Virginia and the officers of counties, cities, towns, political subdivisions and ~~educational television~~ *public telecommunications* entities who are empowered to purchase material, equipment and supplies of any and all kinds for local public ~~or educational television~~ *telecommunications* use, may, in their discretion, seek the aid and cooperation of the Division of Purchases and Supply in purchasing such material, equipment and supplies, to the end that, by central purchasing, cheaper prices may be obtained. When any such governing body of a county, political subdivision or ~~educational television~~ *public telecommunications* entity, council of a city or town, or duly authorized officer or officers of a county, city, town, political subdivision or ~~educational television~~ *public telecommunications* entity request the Division to obtain bids for any materials, equipment and supplies, and such bids accordingly have been obtained by the Division of Purchases and Supply, the Division may award the contract to the lowest responsible bidder, and such county, city, town, political subdivision or ~~educational television~~ *public telecommunications* entity shall be bound by such contract; the Division shall set forth in the purchase order that such materials, equipment and supplies be delivered to, and that the bill therefor be made out to and forwarded to such county, city, town, political subdivision or ~~educational television~~ *public telecommunications* entity; any such bill shall be valid and enforceable claim against the county, city, town, political subdivision or ~~educational television~~ *public telecommunications* entity responsible, requesting the Division to seek such bids.

Notwithstanding any of the foregoing, any such political subdivision or ~~educational television~~ *public telecommunications* entity shall have the right to reject all bids without any liability unless said political subdivision or ~~educational television~~ *public telecommunications* entity purchases the same or similar item or items upon which such bids were taken within a period of three months thereafter from someone other than the bidder to whom the order was awarded at the bid price. Whenever all bids have been rejected by the political subdivision or ~~educational television~~ *public telecommunications* entity, it may again call for bids on the same or similar items through the Division of Purchases and Supply, with the approval of the Division.

The Division shall encourage the seeking of such aid and cooperation by the tender of its services by letter, and otherwise, and especially by the dissemination of facts by letter or otherwise, concerning the savings of public funds which may be effected by central purchasing of materials, equipment and supplies.

Upon request of the governing body of any county, city, town, or other political subdivision or educational television *public telecommunications* entity, or any duly authorized officer thereof, the Division may make available to any such county, city, town, other political subdivision or educational television *public telecommunications* entity the facilities of the central warehouse maintained by the Division; provided, however, that the furnishing of any such services or supplies shall not limit or impair any services or supplies normally rendered any department, division, institution or agency of the State.

The Virginia Public Telecommunications Council, constituted pursuant to § 22-21.6, *Board* shall furnish to the Division of Purchases and Supply a list of educational television *public telecommunications* entities in Virginia for the purposes of this section.

CHAPTER 35.1.

TELECOMMUNICATIONS.

§ 2.1-563.1. Definitions.--As used in this chapter:

1. "Telecommunications" means any origination, transmission, emission, or reception of signs, signals, writings, images, and sounds or intelligence of any nature, by wire, radio, television, optical, or other electromagnetic systems;

2. "Public broadcast station" means a television or radio broadcast station which:

a. is eligible to be licensed by the Federal Communications Commission as a noncommercial educational radio or television broadcast station and which is owned and operated by a public agency or nonprofit private foundation, corporation, or association; or

b. is owned and operated by a municipality and which transmits only noncommercial programs for educational purposes.

3. "Noncommercial telecommunications entity" means any enterprise which:

a. is owned and operated by the Commonwealth, a political or special purpose subdivision of the Commonwealth, a public agency, or a nonprofit private foundation, corporation or association; and

b. has been organized primarily for the purpose of disseminating audio or video noncommercial educational and cultural programs to the public by means other than a primary television or radio broadcast station, including, but not limited to, coaxial cable, optical fiber, broadcast translators, cassettes, discs, microwave or laser transmission through the atmosphere.

4. "Public telecommunications services" means noncommercial educational and cultural radio and television programs, and related noncommercial instructional or informational material that may be transmitted by means of electronic communications.

5. "Public Telecommunication Facilities" means all apparatus, equipment and material necessary for or associated in any way with the production, distribution, [illegible] recording or broadcast or other distribution or interconnection or other distribution of programming including the buildings and structures necessary to house such apparatus, equipment and material and the land necessary therefore for the purpose of providing public telecommunication services, but not telecommunication services.

6. "Public telecommunications entity" means any enterprise which:

a. is a public broadcast station or a noncommercial telecommunications entity; and

b. disseminates public telecommunications services to the public.

7. "Telecommunications services" means telecommunications to serve the needs of State agencies and institutions or the political subdivisions of the State but shall not include public telecommunications services nor wireless communication services and systems under the direct control of the Department of State Police.

8. "Telecommunications facilities" means apparatus necessary or useful in the production, distribution, or interconnection of electronic communications for State agencies or institutions of the political subdivisions of the State, including the buildings and structures necessary to house such apparatus and the land necessary therefor; provided, however, that computer and computer terminal facilities and wireless communication facilities under the direct control of the Department of State Police shall not be included in this definition.

9. "Nonprofit" means that no part of the net earnings enures, or may lawfully enure, to the benefit of any private shareholder or individual.

10. "Board" means the Virginia Public Telecommunications Board.

11. "Department" means the Department of Telecommunications.

12. "Director" means the Director of the Department of Telecommunications.

§ 2.1-563.2. Department of Telecommunications created; appointment of Director; staff.–

There is hereby created a Department of Telecommunications under the direction and control of the Governor and the Secretary of Administration and Finance. The Department shall be headed by a Director who shall be appointed by the Governor, subject to confirmation by the General Assembly, from a list of recommendations submitted by the Board. The Director shall employ such staff as shall be necessary for carrying out the purposes of this chapter.

§ 2.1-563.3. Powers and duties of Director.--The Director of the Department shall perform such duties as are conferred upon him by law, and he shall perform such other duties as may be required of him by the Governor, the Secretary of Administration and Finance, or the Board.

§ 2.1-563.4. General powers and duties of the Department.–The Department shall have the following general powers:

1. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including, but not limited to, contracts with the United States, other states, agencies and governmental subdivisions of Virginia.

2. To accept grants from the Unites States government and agencies and instrumentalities thereof and any other source. To these ends, the Department shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable.

3. To oversee and coordinate the development and use of telecommunications services and facilities.

4. To do all acts necessary or convenient to carry out the purposes of this chapter.

§ 2.1-563.5. Duties of the Department.–The Department shall have the following duties:

1. To develop and enforce practical telecommunications policies, doctrines, procedures, and guidelines to be followed by all users of telecommunications facilities and services;

2. To perform any duties assigned it by the Board;

3. To operate, under the direction of the Board, a network interconnecting the various public telecommunications facilities and services within the Commonwealth, if one is established;

4. To analyze, review, and approve all specifications for interconnective telecommunications facilities sought by any agency or institution of the Commonwealth;

5. To specify criteria and standards for, and review and approve the procurement of, any telephone or other telecommunications services needed by State agencies and institutions, in accordance with the principles of comparative procurement to the maximum extent possible;

6. To supervise relationships between telecommunications vendors and all State agencies and institutions;

7. To effect consolidation of telephone facilities used by the Commonwealth to the extent dictated by economies of scale;

8. To manage and coordinate the various telecommunications facilities used by the Commonwealth;

9. To forecast and plan for the future needs of the Commonwealth with respect to telecommunications facilities and services, including but not limited to teletypewriters, facsimile systems, and land mobile radio systems, and to amend as necessary those portions of the Master Plan for Telecommunications which relate to telecommunications services or facilities;

10. To promote, sponsor, and conduct research and demonstration projects pertaining to all facets of telecommunications facilities and services;

11. To develop and implement information, billing, and collection systems which will aid State agencies and institutions in forecasting their needs for and managing their use of telecommunications facilities and services;

12. To administer funds appropriated to the Department and make contracts related thereto, and to administer under the direction of the Board funds appropriated thereto for public telecommunications;

13. To acquire or lease property, and to construct, maintain, manage, own, lease and operate telecommunication facilities and services;

14. To recommend to the Governor policies pertaining to the use of telecommunications facilities and services;

15. To do all other things necessary and proper for carrying out the provisions of this chapter.

§ 2.1-563.6. Telecommunications Working Capital Fund.--A. There is hereby established a Telecommunications Working Capital Fund to be used exclusively to finance operations and staff of the Department of Telecommunications. This Fund is established by law,

[illegible]te and apart from all other public moneys.

B. All users of telecommunications services administered by the Department shall be charged a surcharge which shall be deposited in the Fund. This surcharge shall be an amount sufficient to allow the Fund to finance operations of the Department.

C. All moneys existing in the Virginia Public Telecommunications Council Central Telephone Working Capital Fund are hereby transferred to the Telecommunications Working Capital Fund.

D. Additional moneys necessary to establish this Fund or provide for the administration of the activities of the Board may be advanced from the General Fund of the State Treasury of the Commonwealth of Virginia.

§ 2.1-563.7. State agencies to determine their telecommunications needs.–It shall be the responsibility of each State agency and institution to determine its telecommunications needs within the policies established by the Department. The various agencies and institutions shall be assisted in this task by the Department.

§ 2.1-563.8. Board established; functions; membership, terms; chairman; meetings; compensation.–A. There is hereby created the Virginia Public Telecommunications Board.

B. The Board shall be charged with assisting the various public telecommunications entities of the Commonwealth in the construction, establishment, operation, and use of public telecommunications facilities and services.

C. Notwithstanding the provisions of § 2.1-42.1, the Board shall consist of fourteen members, including the President of the Board of Education, the Chairman of the State Council of Higher Education, the Chairman of the State Board of Community Colleges, and the Chairman of the Board of Trustees of the Virginia Museum of Fine Arts. The remaining members shall be appointed by the Governor, one from each Congressional district of the Commonwealth, the appointments to be subject to confirmation by the General Assembly. Such members from Congressional districts shall be appointed for the following initial terms: two shall be appointed for a term of one year, two shall be appointed for a term of two years, three shall be appointed for a term of three years and three shall be appointed for a term of four years. Thereafter, the successors of all appointed members shall be appointed for a term of four years each. Vacancies other than by expiration of the term shall be filled by the Governor for the unexpired term. No member shall serve more than two consecutive four-year terms. No member of the Board may be the chief executive officer of any State agency, a member of the General Assembly, nor an officer, director or employee of any public telecommunications entity of the Commonwealth.

D. The Governor shall designate a member to serve as chairman and the members may elect from their number a vice-chairman.

E. The Board shall meet at least quarterly and at the call of its chairman.

F. Board members shall be reimbursed for their actual and necessary expenses for [illegible] incurred in performance of their duties [illegible] their places of residence. Such expenses shall be paid from such funds as may be appropriated for the purpose.

§ 2.1-563.9. Staff of the Board.–The Department of Telecommunications shall serve as staff to the Board. The Board shall have the authority to assign responsibilities and studies to the Department, through its Director, as it sees fit.

§ 2.1-563.10. General powers and duties of the Board.–In carrying out the general purposes of this chapter, the Board, through its Chairman, shall have the power and duty:

1. To utilize fully the services, expertise, supplies, and facilities of the Director, staff, and employees of the Department;

2. To be responsible for all contractual and other relationships between the Commonwealth and the various public telecommunications entities in the Commonwealth, and to perform all other functions and duties assigned it by law;

3. To require such reports and make such inspections and investigations as it deems necessary;

4. To recommend to the Governor and the General Assembly policies pertaining to public telecommunications;

5. To procure the temporary services of experts or consultants when such services are to be performed on a part-time or fee-for-service basis;

6. To ensure that agreements for the utilization of public telecommunications facilities and services are entered into and to determine the conditions thereof;

7. To allocate and oversee the administration of appropriations, grants, gifts, and donations for educational instruction, public programming, or other purposes;

8. To ensure the maintenance of an inventory of existing public telecommunications facilities and entities and to survey periodically the need for additional such facilities or *entities;*

9. To ensure that the development and use of public telecommunications facilities and services is coordinated;

10. To ensure the acquisition, production, and distribution of programs for public telecommunications services to any area of the Commonwealth, and to make necessary contracts for these purposes;

11. To enter contracts necessary for the furtherance of the purposes of this chapter;

12. To oversee and approve all planning relating to, and to forecast the needs of and for, public telecommunications services, facilities, and entities, including those portions of the Master Plan for Telecommunications which relate to public telecommunication facilities, services, or entities, within the Commonwealth;

13. To oversee any network established for the purpose of interconnecting the various public telecommunications entities and facilities within the Commonwealth;

14. To ensure the provision of assistance to the political subdivisions of the Commonwealth in matters relating to cable television and other public telecommunications facilities, services, and entities;

15. To work with all State and federal agencies in matters involving the licensing and other regulation of public telecommunications entities within the Commonwealth;

16. To promulgate regulations necessary for carrying out the purposes of this chapter; and

17. To do all other things necessary and proper to carry out the purposes of this chapter.

§ 2.1-563.11. Public Telecommunications Fund; grants; applications for grants; transfer of funds from Telecommunications Facilities and Services Fund.–A. A Public Telecommunications Fund, separate and apart from all public moneys and funds of the Commonwealth, is established. All moneys received by the Board for carrying out the purposes of this chapter shall be deposited in this Fund. The Board shall have the authority for dispersing grants from this Fund.

B. Grants shall be made from the Public Telecommunications Fund for the following purposes:

1. To continue State support of the capital construction programs of public broadcasting entities within the Commonwealth;

2. To continue the State community service grant program for public television stations;

3. To conduct and sponsor research into methods for improving public broadcasting services and the uses which might result from these improvements;

4. To purchase instructional television and radio services for the State's public school systems on behalf of the Department of Education, and for the State's higher education institutions on behalf of such institutions; and

5. To [illegible] all the public telecommunications entities within the Commonwealth [illegible] their efforts to serve the communities to which they broadcast.

C. Applications for grants from the Public Telecommunications Fund shall be made in such form and manner as prescribed by the Board.

D. Any funds remaining in the Telecommunications Facilities and Services Fund shall be transferred to the Public Telecommunications Fund.

§ 2.1-563.12. Conflicts between Board and Department.--In carrying out the purposes of this chapter, whenever a conflict of authority arises between the Board and the Department related to public telecommunication facilities, services, or entities, the authority of the Board shall supersede that of the Department.

§ 15.1-23.1. Licensing, etc., and regulation of community antenna television systems.–The term "community antenna television system" as used in this section shall mean any facility which is operated to perform for hire, either in whole or in part, the service of receiving, amplifying, modifying or originating television, radio or other electrical signals for the purpose of transmitting or distributing such signals by wire, cable or other means to subscribing members of the public, except that such definition shall not include (1) any system which serves fewer than twenty subscribers or (2) any system which serves only the residents of one or more contiguous apartment dwellings under common ownership, control or management, and commercial establishments located on the premises of such dwellings.

The governing body of any county, city or town may license, franchise or [illegible] [illegible] of public convenience and necessity to one or more [illegible] [illegible] systems, and impose a tax thereon; may regulate such systems, including establishment of fees and rates, and assignment of channels for public use and operate such channels assigned for public use, or provide for such regulation and operation by such [illegible] as the governing body may direct. In exercising the powers granted in this section, the governing body shall conform to minimum standards with respect to the licensing, franchising or the granting of certificates of convenience and necessity for community antenna television systems and to the use of channels set aside for general and educational [illegible] which shall be adopted by the Virginia Public Telecommunications Council [illegible] under Chapter 16 (§ 22-331 et seq.) of Title 22 of the Code of Virginia *Board*; such minimum standards being for the purpose of assuring the capability of developing a statewide general educational telecommunications network or networks; provided, however, that the owner or operator of any community antenna television system shall not be required to pay the cost of interconnecting such community antenna television systems [illegible] political subdivisions.

2. That all rules and regulations adopted by the Virginia Public Telecommunications Council which are in effect as of the effective date of this act and which pertain to the subject of this act shall remain in full force and effect until altered, amended, or rescinded by the Department of Telecommunications or the Virginia Public Telecommunications Board, as appropriate.

3. That the current Master Plan for Public Telecommunications shall remain in effect until amended by either the Department of Telecommunications or the Virginia Public Telecommunications Board in their respective areas of responsibility.

4. That all contracts and agreements made by the Virginia Public Telecommunications Council which are in effect as of the effective date of this act shall remain in full force subject to their terms and conditions.

5. That if any clause, sentence, paragraph, subdivision, section or part of this title shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which the judgment shall have been rendered.

6. That the provisions of this act shall be effective on and after July one, nineteen hundred eighty.

President of the Senate

Speaker of the House of Delegates

Approved:

Governor

Chapter 7. Virgin Islands Public Television System

Subchapter I. Declaration of Findings and Policy; Definitions

SECTION ANALYSIS

151. Declaration of findings and policy
152. Definitions

Subchapter II. Virgin Islands Public Television System

201. Establishment
202. Board of Directors; General Manager
203. Powers of the System
204. Limitation on use of facility
205. Contributions to Employees Retirement System and Government Insurance Fund; unemployment compensation coverage
206. Reports

HISTORY

This chapter was added to the Virgin Islands Code by Act Nov. 15, 1968, No. 2364, § 1, Sess. L. 1968, Pt. II, p. 362.

Repeals. Act Nov. 15, 1968, No. 2364, § 3, Sess. L. 1968, Pt. II. p. 370, provided: "All laws or parts of laws inconsistent or in conflict with any provisions of this Act [which added this chapter] are, to the extent of such inconsistency or conflict, repealed."

Transfer of records, property, and personnel. Act Nov. 15, 1968, No. 2364, § 2, Sess. L. 1968, Pt. II, p. 369, provided:

"Section 2. (a) All personnel, records, contracts, properties, deeds, leases, subleases, rights, franchises, grants and unexpended balances of appropriations and funds of the Virgin Islands Public Television Commission are hereby transferred to the Virgin Islands Public Television System established under section 1 of this Act [which added this chapter]; Provided, That any personnel so transferred who are found to be in excess of the personnel required for the efficient administration of the functions of the System, shall be retransferred under existing law to other positions in the Government of the Virgin Islands; Provided, further, That the transfer of any real property or rights or interests therein to the System by this subsection shall not become final unless a complete appendix of all such property to be transferred with appropriate maps, surveys and descriptions sufficient for proper identification thereof is submitted to the Legislature within sixty (60) days from the date of approval of this Act and unless the Legislature approves such transfers.

"(b) Any employee of the Government of the Virgin Islands transferred to the Virgin Islands Public Television System pursuant to subsection (a) of this section shall be credited by the System with the amount of accumulated and current accrued annual leave to which he is entitled under law and for which leave such employee has not received lump-sum payment.

"(c) In the establishment of sick leave and other benefits for officers and employees of the System, the Board of Directors thereof shall credit employees transferred pursuant to the provisions of subsection (a) of this section with all accumulated sick leave, and shall provide such other benefits equivalent, insofar as possible, to the benefits to which the officers or employees of the Virgin Islands Water and Power Authority are now or may hereafter be entitled.

"(d) No employee transferred pursuant to subsection (a) of this section shall be reduced in pay."

Prior law. Act March 29, 1968, No. 2139, Sess. L. 1968, Pt. I, p. 391, established a temporary instrumentality, the "Virgin Islands Public Television Commission", for the purpose of preparing plans, etc., for the establishment of a Public Television System.

Subchapter I. Declaration of Findings and Policy; Definitions

§ 151. Declaration of findings and policy

The Legislature hereby declares that—

(a) It is in the public interest to establish a Public Television System in the Virgin Islands.

(b) Such a System will advance the general welfare, education, cultural development and awareness of public affairs of all the population of the Virgin Islands.

(c) Such a System will provide an effective supplement, by television instruction, to the in-school education of the children of the Virgin Islands.

(d) The powers and duties conferred by this chapter are for public uses and purposes and are proper governmental functions for which public money may be expended and private property may be acquired.

(e) The provisions enacted by this chapter are hereby declared to be necessary in the public interest, and the facilities herein authorized are declared to be public improvements and public undertakings.—Added Nov. 15, 1968, No. 2364, § 1, Sess. L. 1968, Pt. II, p. 362.

HISTORY

Codification. Sections 101 and 102 of this chapter were renumbered as sections 151 and 152 to avoid conflict with sections 101 and 102 of this title as added by Act Aug. 13, 1964, No. 1218.

Effective date. Act Nov. 15, 1968, No. 2364, § 4, Sess. L. 1968, Pt. II, p. 370, provided: "This Act [sections 151-206 of this chapter] shall become effective Dec. 1, 1968."

§ 152. Definitions

(a) The term "System" shall mean the Virgin Islands Public Television System established by this chapter. Such System shall be deemed a state educational television agency under section 391, Title 47, United States Code.

(b) The term "Board" shall mean the Board of Directors of the System.

(c) The term "Manager" shall mean the general manager of the System.

(d) The term "facility" shall include but not be limited to any one or more of the following for the production, transmission and reception of public television programming in the Virgin Islands, to wit: studios for the live and recorded production of television programs; television master control equipment; broadcasting facilities on St. Thomas and St. Croix consisting of a television plant; studio-to-transmitter microwave facilities to inter-connect the television studios and the primary transmitting facilities; master antenna receiving equipment and classroom cable distribution equipment for all public schools in the Virgin Islands; television receivers for use in the classrooms; mobile or fixed remote television origination facilities.

(e) The term "Federal Agency" shall mean the United States of America, the President or any department thereof, or any corporation, agency or instrumentality heretofore or hereafter created, designated, or established by the United States of America.

(f) Words importing the singular number shall include the plural number and vice versa and words importing persons shall include firms, partnerships of all kinds, corporations or philanthropic foundations.—Added Nov. 15, 1968, No. 2361, § 1, Sess. L. 1968, Pt. II, p. 362.

HISTORY

Codification. Section renumbered, see note set out under section 151 of this title.

Effective date. See note set out under section 151 of this title.

Subchapter II. Virgin Islands Public Television System

§ 201. Establishment

(a) The Commissioner of Education, the Chairman of the Board of Education, three members to be appointed by the President of the Legislature, and four other persons, not more than two of whom shall be employed by the Government of the Virgin Islands or by the Government of the United States, are hereby established a body corporate and politic constituting a public corporation and autonomous governmental instrumentality of the Government of the Virgin Islands, by the name of the "Virgin Islands Public Television System." In addition, the Director of the Budget, President of the College of the Virgin Islands, and the Manager shall be members ex officio of the Board, but shall not be entitled to a vote thereon.

(b) Three of the members shall be appointed by the President of the Legislature. Not more than two such members shall be a resident of the same District. The term of office of each such member shall be two years and each shall be eligible for reappointment. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of such term.

(c) The four persons, at least two of whom shall not be employed by the Government of the Virgin Islands or by the Government of the United States, shall be appointed by the Governor with the advice and consent of the Legislature, and two shall be residents of the District of St. Thomas-St. John, and two shall be residents of the District of St. Croix. One of such members shall be from the television industry. In the initial appointment of such persons, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Thereafter, such persons shall be appointed for a term of four years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of such term.

(d) The System hereby established is, and shall be, a governmental instrumentality, subject, as provided herein, to the control of the Board, but it is a corporation having legal existence and personality separate and apart from the Government. The debts, obligations, contracts, notes, debentures, receipts, expenditures, accounts, funds, facilities and property of the System shall be deemed to be those of such System and not to be those of the Government of the Virgin Islands, or any office, bureau, department, agency, commission, municipality, branch, agent, officer or employee thereof.

(e) The System shall be, on the effective date of this chapter, the successor to the Government of the Virgin Islands on all contracts, leases, applications and other instruments entered into by the Government of the Virgin Islands on behalf of the Virgin Islands Public Television System.—Added Nov. 15, 1968, No. 2361, § 1, Sess. L. 1968, Pt. II, p. 362.

HISTORY

Effective date. See note set out under section 151 of this title.

§ 202. Board of Directors; General Manager

(a) The powers of the System shall be exercised by a Board of Directors consisting of the members of the System designated under section 201 of this chapter.

(b) Within thirty days after this chapter becomes effective, the Board shall meet, and organize. The Board shall elect a Chairman and Vice Chairman from among its members; officers shall serve for a term of one year and shall be eligible for re-election.

(c) The Board shall hold regular meetings to hear reports of the Chairman and the Manager and to give policy guidance and direction to the System. Board members, including ex officio members, shall be eligible for reimbursement of travel and other expenses and for per diem at such rates and under such conditions as may be provided by law for members of Virgin Islands Government boards and commissions.

(d) Five members of the Board shall constitute a quorum for the purpose of organizing the System and conducting the business thereof and for all other purposes, and all action shall be taken by a vote of the majority of those present.

(e) The Board shall appoint a General Manager of the System, and such officers, agents, or employees, permanent or temporary, and by contract or otherwise may employ such consultants, consulting engineers, fiscal, legal, programming or other technical experts as it may deem necessary, and shall determine their qualifications, duties, tenure and compensation without regard to chapter 25 of Title 3, Virgin Islands Code. The bylaws of the System may delegate to the General Manager or other officers, agents or employees of the System, such power and duties of the System as the Board may deem necessary and proper.

(f) The Manager shall be appointed by the Board exclusively upon the basis of merit as determined by training, skill, experience, and other qualifications necessary to achieving the purposes of the System. The Manager shall be removable by the Board only for cause and after due notice and opportunity to be heard.

(g) The System shall, whenever feasible, hire and train permanent residents of the Virgin Islands, to the end that, as soon as possible consistent with the maintenance of the highest broadcasting and operating standards, the System will be fully staffed by Virgin Islands residents.

(h) The Board may establish a Citizens' Advisory Committee to foster the development, support and utilization of public television in the Virgin Islands. Members of the Committee shall be representative of the Virgin Islands community.—Added Nov. 15, 1968, No. 2364, § 1, Sess. L. 1968, Pt. II, p 362.

HISTORY

Effective date. See note set out under section 151 of this title.

§ 203. Powers of the System

(a) The System is established for the purpose of building and operating, consistent with the rules and regulations of the Federal Communications Commission relating to noncommercial television, public television stations in the Virgin Islands and any other service or facilities incidental or appropriate thereto, and providing for the general welfare by making the educational and cultural benefits of such television available to the general public and the school children of the Islands by the transmission of programs of education, public affairs, cultural interest, and general information.

(b) The System is granted and shall have and may exercise all rights and power necessary or desirable for carrying out such purposes, including, but without limiting, the generality of the foregoing, the following

(1) to have perpetual existence as a corporation;

(2) to adopt, alter and use a corporate seal which shall be judicially noted;

(3) to make, and from time to time modify, and repeal, bylaws, rules and regulations, not inconsistent with this chapter or any other law, providing for the internal organization and management of the System, for the administration of its affairs and operations, and for carrying into effect the powers and purposes of the System;

(4) to sue and be sued in its corporate name;

(5) to make contracts and to execute all instruments necessary or convenient in the exercise of any of its powers;

(6) to acquire property, real, personal, or mixed, tangible or intangible, or any interest therein deemed by it to be necessary or desirable for carrying out the purposes of the System by any lawful means; and to own, hold, develop, improve, redevelop, enlarge, extend, repair, maintain, use and operate said property; Provided, That any such acquisition of real property shall be with the prior approval of the Legislature, or of the Committee of Finance thereof when the Legislature is not in session;

(7) to sell, lease, exchange, transfer, assign, mortgage, pledge, or otherwise dispose of, or encumber, any real or personal property, or any interest or estate in such; Provided, That any such disposition of real property, shall be with the prior approval of the Legislature;

(8) to apply for and receive and hold in its name all necessary authorizations, licenses and assignments of channels from any Federal agency, the Government of the Virgin Islands or political subdivisions thereof;

(9) to apply for and accept appropriations, grants, gifts, transfers or nonmonetary loans from, and enter into contracts, leases, agreements, or other transactions with any person, Federal agency, the Government of the Virgin Islands, or political subdivisions thereof, and to expend or utilize the proceeds of any such appropriations, grants, gifts, transfers, or loans for any of its corporate purposes, and in accordance with the terms and conditions thereof;

(10) to prepare and file all reports and other documents required from time to time by any Federal agency;

(11) to invest funds in United States obligations or other securities approved for investment for the Government of the Virgin Islands;

(12) to exercise complete supervision, responsibility and control over the preparation, content, scheduling and transmission of all programs for the general public;

(13) to exercise responsibility for the transmission of programs for in-school reception to supplement primary, secondary and adult educational curricula in public schools of the Virgin Islands: Provided, That the Department of Education shall have complete responsibility and control over the content and scheduling of the instructional program service. The System shall devote those daylight hours during which regular public school sessions are being held for the transmission of educational programs for use in schools;

(14) to have complete control and supervision of facilities and properties constructed or acquired by it, including the power to determine the character of and necessity for all its expenditures and the manner in which they shall be incurred, allowed and paid, and such determinations shall be final and conclusive for all purposes;

(15) to prepare, or cause to be prepared, plans, designs, specifications, and estimates of costs for the acquisition, construction, reconstruction, extension, improvement, enlargement, or repair of any facility, and from time to time to modify such plans, designs, specifications and estimates;

(16) to construct or reconstruct any facility, and any additions, improvements and extensions thereto by contract or contracts and/or under, through, or by means of its officers, agents and employees;

(17) to do all acts or things necessary or desirable to carry out the powers granted to it by this Act or by any other Act of the Legislature of the Virgin Islands.—Added Nov. 15, 1968, No. 2361, § 1, Sess. L. 1968, Pt. II, p. 362.

HISTORY

Effective date. See note set out under section 151 of this title.

§ 204. Limitation on use of facility

The facilities of, and programs transmitted by, the System shall not be used for biased or one-sided presentations of any partisan or political issue, or for advocating or opposing any present or prospective candidacy for public office, or for advocating or opposing any pending legislation of the Virgin Islands or of the United States. The facilities shall be used in compliance with the rules and regulations of the Federal Communications Commission relating to broadcasting by candidates for public office, personal attacks and political editorials.

The foregoing shall not prohibit the presentation of programs or series of programs which provide equal opportunity to candidates for public office and a balanced presentation of public issues.—Added Nov. 15, 1968, No. 2361, § 1, Sess. L. 1968, Pt. II, p. 362.

HISTORY

Effective date. See note set out under section 151 of this title.

§ 205. Contributions to Employees Retirement System and Government Insurance Fund; unemployment compensation coverage

(a) All officials and employees of the System shall be covered by and subject to the Employees Retirement System of the Virgin Islands and the Workmen's Compensation Act. The System shall contribute to the Retirement System of the Government of the Virgin Islands its share of the cost of the retirement of the officials and employees on the basis of semiannual billings as determined by the Division of Personnel, Government of the Virgin Islands, and the contribution of officials and employees for retirement shall be deducted from the salaries in the same manner as in the case of regular employees of the Government of the Virgin Islands and shall be paid semiannually to the Retirement Fund of the Government of the Virgin Islands. The System shall also contribute to the Government Insurance Fund, on the basis of annual billings as determined by the Commissioner of Finance for the benefit payments made from such fund on account of the System's employees. The annual billings shall also include a statement of the fair portion of the cost of the Government Insurance Fund, which shall be paid by the System into the Treasury of the Virgin Islands as miscellaneous receipts.

(b) For purposes of unemployment compensation, the System shall be deemed an employing unit as defined in 24 V.I.C. § 302(j) (1) and the System shall make payments to the Unemployment Compensation Subfund and the Unemployment Compensation Administration Subfund in lieu of contributing in the same manner provided for the Government of the Virgin Islands by 24 V.I.C. § 308(d).—Added Nov. 15, 1968, No. 2364, § 1, Sess. L. 1968, Pt. II, p. 362.

HISTORY

Codification. Section was enacted as "§ 307" but was renumbered to conform to V.I.C. style.

Effective date. See note set out under section 151 of this title.

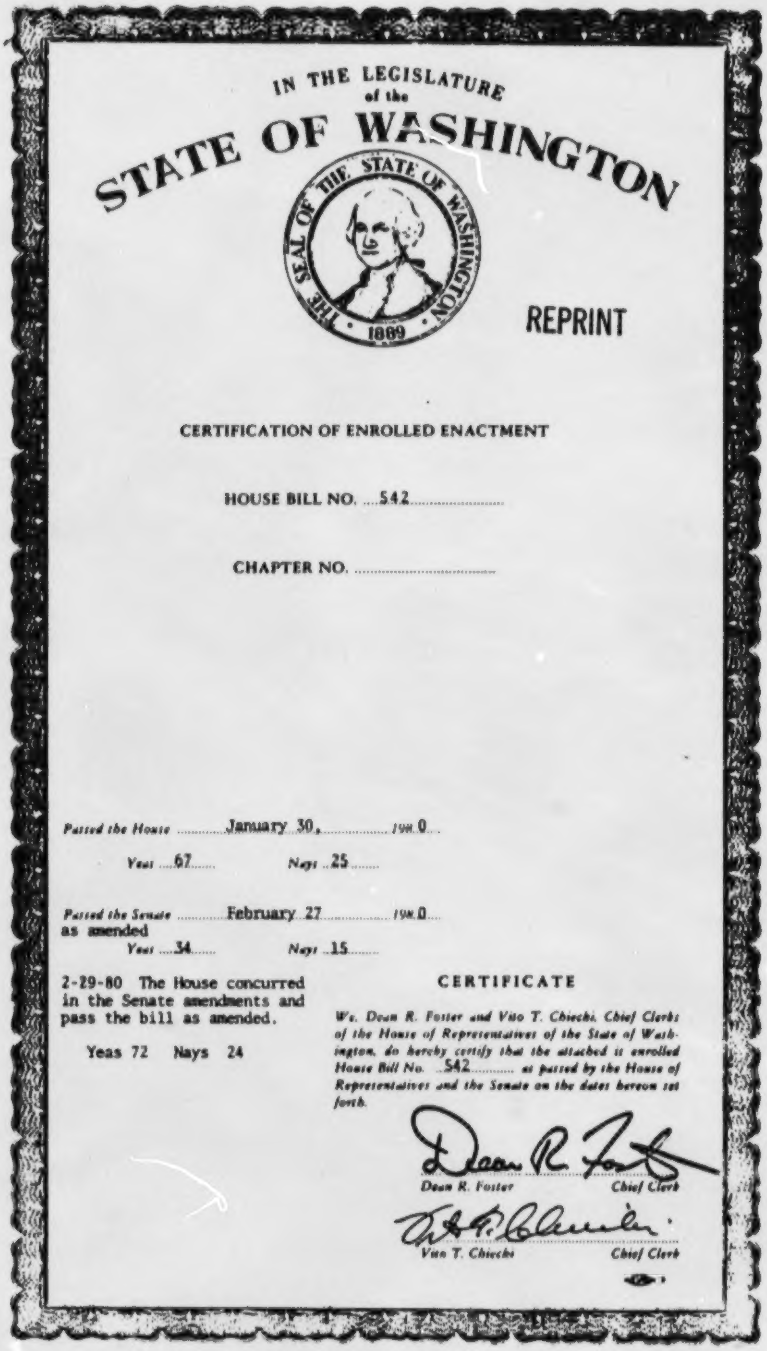
§ 206. Reports

The System shall submit to the Legislature and to the Governor of the Virgin Islands, as soon as practicable after the close of each fiscal year of the Government of the Virgin Islands (1) a financial statement and complete report of the business of the System for the preceding fiscal year, and (2) a complete report on the status and progress of all of its facilities and activities since the creation of the System or the date of its last such report. The System shall also submit to the Legislature and to the Governor, at such other times as either may require, official reports of its business and activities under this chapter.—Added Nov. 15, 1968, No. 2364, § 1, Sess. L. 1968, Pt. II, p. 362.

HISTORY

Codification. Section was enacted as "§ 308" but was renumbered to conform to V.I.C. style.

Effective date. See note set out under section 151 of this title.



IN THE LEGISLATURE
of the
STATE OF WASHINGTON

1889

REPRINT

CERTIFICATION OF ENROLLED ENACTMENT

HOUSE BILL NO. 542

CHAPTER NO. ....

Passed the House .... January 30, ... 1980

Yeas 67 *Nays* 25

Passed the Senate .... February 27 1980
as amended
Yeas 34 *Nays* 15

2-29-80 The House concurred in the Senate amendments and pass the bill as amended.

Yeas 72 Nays 24

CERTIFICATE

We, Dean R. Foster and Vito T. Chiechi, Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is enrolled House Bill No. 542 *as passed by the House of Representatives and the Senate on the dates hereon set forth.*

Dean R. Foster
Dean R. Foster *Chief Clerk*

Vito T. Chiechi *Chief Clerk*

(NOTE: Sections 1, 6, and 7 were vetoed by the governor at the time of passage.)

HOUSE BILL NO. 542

State of Washington
46th Legislature
1980 Regular Session

by Representatives Bauer, Chandler, Erickson, Barnes, Blair, Thompson, Patterson, Galloway, Heck, Whiteside, McGinnis, Taylor and Hurley

Read first time January 24, 1979, and referred to Committee on EDUCATION.

AN ACT Relating to broadcasting by radio or television, including instructional and public broadcasting; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW; repealing section 28A.91.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.010; repealing section 28A.91.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.020; repealing section 28A.91.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.030; repealing section 28A.91.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.040; repealing section 28A.91.050, chapter 223, Laws of 1969 ex. sess., section 70, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.91.050; repealing section 28A.91.060, chapter 223, Laws of 1969 ex. sess., section 19, chapter 75, Laws of 1977 and RCW 28A.91.060; and making an appropriation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The legislature finds and declares that it is in the public interest of the state of Washington to promote and encourage the growth, expansion, development and programming diversity of public broadcasting which shall be responsive to the needs and interests of people throughout the state. The legislature believes that it is to the advantage of the state to realize to the fullest possible extent those potential benefits of public broadcasting. It is necessary and appropriate for the state government to complement, assist, and support financially a public broadcasting service for all the people in all of the geographical areas of the state utilizing both open circuit and cable transmission. The broadest possible instructional broadcasting service should be provided to citizens through public and private educational institutions within the state.

NEW SECTION. Sec. 2. As used in this chapter, the terms defined in this section shall have the following meanings unless the context clearly requires otherwise:

(1) "Broadcast" or "broadcasting" means television or radio transmission.

(2) "Broadcast operational costs" means all expenses incurred by a noncommercial educational broadcast station for the basic operation, maintenance, and administration functions of such station, except that such expenses shall not include costs for program production or acquisition, fund raising activities, or membership services.

(3) "Cable television" means the transmission of programming by community antenna distribution systems.

(4) "Commission" means the Washington State Public Broadcasting Commission created in section 3 of this act.

(5) "Educational broadcasting" means produced, leased or purchased programming designed to informally raise the general awareness of the public.

(6) "Instructional broadcasting" means produced, leased or purchased programming for broadcast to classrooms or elsewhere as instruction within a curriculum.

(7) "Public broadcast station" means a television or radio broadcast station which, under the rules and regulations of the Federal Communications Commission in effect on the effective date of this chapter, is eligible to be licensed by the Federal Communications Commission as a noncommercial educational radio or television broadcast station and which is owned and operated by a public agency or nonprofit private foundation, corporation, or association.

(8) "Public broadcasting" means noncommercial instructional and educational radio and television broadcasting..

NEW SECTION. Sec. 3. (1) There is hereby created a state agency to be known as the Washington State Public Broadcasting Commission.

(2) The commission shall consist of nine members to be

appointed by the governor, broadly representative of the people of the state, and approved by the senate: PROVIDED, That one member of the commission shall be from the commercial broadcasting sector.

(3) Members shall serve four year terms, except that the initial terms of the first members shall be as follows: Three members for two year terms, three members for three year terms, and three members for four year terms, as so designated by the governor at the time of appointment.

(4) Members of the commission shall not be compensated for their services but shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

(5) The commission shall be housed in the office of the state planning and community affairs agency.

Ex officio members shall not be compensated or reimbursed for travel by the commission.

NEW SECTION. Sec. 4. In addition to other powers and duties as set forth in this chapter, the commission shall:

(1) Cooperate with state agencies owning broadcast sites or electronic equipment and/or other real or personal property for the purpose of sharing in the use and/or cost of any such property in order to facilitate the development of state public broadcasting capabilities.

(2) Prepare, adopt as a commission rule, and amend as necessary, a plan setting forth the goals of public broadcasting in the state which are in support of the philosophy set forth in section 1 of this act.

(3) Consult with the governing boards of public broadcasting licensees in regard to such policies and practices as are necessary to implement planning and maintaining a state system for public broadcasting.

(4) Appoint ex officio members representative of the following: Public television broadcasters, public radio broadcasters, common schools, community colleges, private four year colleges and universities, private elementary/secondary

schools, commercial broadcasters, public four year colleges and universities, and such other agencies as determined appropriate by the commission.

(5) Appoint advisory committees.

(6) Allocate funds in accordance with the procedures established by sections 6 and 7 of this act.

(7) Act as the state reviewing agency for public broadcasting in accordance with criteria established by the commission.

(8) Appoint consultants, enter into contracts, and conduct studies as reasonably necessary to carry out the provisions of this chapter.

(9) Coordinate requests for state legislative funding of public broadcasting.

(10) Perform other duties necessary to carry out the provisions of this chapter and to provide a coordination and advocacy agency for state matters relating to public broadcasting.

(11) Carry out its purposes and functions and engage in its activities in ways that will most effectively assure the maximum freedom of the public broadcasting licensees from interference with, or control of, program content or other activities.

(12) Promulgate rules to implement this chapter, in accordance with the provisions of chapter 34.04 RCW, as now or hereafter amended:

PROVIDED, That the commission is prohibited from owning or operating any television or radio broadcast station or program production facility and producing programs, scheduling programs for dissemination, or disseminating programs to the public.

NEW SECTION. Sec. 5. The commission may employ an executive secretary and such clerical staff and other personnel as are necessary to carry out the duties prescribed by the commission. The executive secretary shall be exempt from the provisions of chapter 41.06 RCW, shall serve at the pleasure of the commission, and shall receive a salary fixed by the commission.

NEW SECTION. Sec. 6. The commission shall establish a system for fiscal control of state funds appropriated directly to the commission, including procedures for developing the commission budget, provision for audits, and development of criteria for state production grants.

NEW SECTION. Sec. 7. Funds appropriated by the state to the commission for expenditure of instructional and educational broadcasting operations programming and capital acquisition, and other than funds designated for operation of the commission, shall be disbursed by the commission to entities eligible for federal funding under the Public Telecommunications Financing Act of 1980 according to the following procedures:

(1) Funds for instructional television broadcast operating costs shall be disbursed by the commission to the public television licensees.

(2) Funds for educational television broadcast operating costs shall be disbursed by the commission to the public television licensees.

(3) Funds for program acquisition or production of instructional broadcasting of kindergarten through grade twelve and the public vocational institutes shall be disbursed by the commission to the office of the superintendent of public instruction who shall work with educational representatives.

(4) Funds designated for postsecondary instructional broadcasting production or acquisition shall be disbursed by the commission after consultation with an advisory committee representing community colleges, public and private postsecondary institutions, the state council for postsecondary education, and the state public broadcasting stations.

(5) Funds designated for production or acquisition of educational television broadcast programming shall be disbursed by the commission after consultation with an advisory committee chosen by the commission representing the fields of the visual and performing arts, business, labor, government, education, and

the public broadcasting stations.

(6) Funds designated for station equipment acquisition shall be distributed to public broadcasting television licensees in accordance with rules and regulations developed by the commission.

(7) Funds designated for an interconnection system shall be disbursed by the commission after consultation with an advisory committee of public broadcasting stations.

(8) Funds for public radio shall be disbursed to radio broadcast licensees in accordance with rules and regulations developed by the commission.

NEW SECTION. Sec. 6. The state educational television commission is hereby abolished. All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the state educational television commission, and pertaining to the functions affected by this act, shall be delivered to the custody of the state public broadcasting commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers and duties transferred by this act shall be made available to the state public broadcasting commission. All funds, credits, or other assets held in connection with the functions transferred by this act shall be assigned to the state public broadcasting commission.

Any appropriations made to the state educational television commission for the purpose of carrying out the powers and duties transferred by this act, shall, on the effective date of this act, be transferred and credited to the state public broadcasting commission for the purpose of carrying out such transferred powers and duties.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under this act, the director of financial management shall make a determination as to the proper allocation and certify the same to the state departments and agencies concerned.

NEW SECTION. Sec. 9. If apportionments of budgeted funds are required because of the transfers authorized by this act, the director of financial management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 10. All rules and regulations of, and all pending business before the state educational television commission on the effective date of this act, shall be continued and acted upon by the state public broadcasting commission. All existing contracts and obligations of the state educational television commission on the effective date of this act shall remain in full force and effect and shall be performed by the state public broadcasting commission. The transfer of powers, duties or functions under this act shall not affect the validity of any act performed by any officer or employee of the state educational television commission prior to the effective date of this act. Nothing in this act shall be construed to affect any actions, activities or proceedings validated under the sections repealed herein nor as affecting any criminal or civil proceedings instituted thereunder nor any administrative action taken thereunder.

NEW SECTION. Sec. 11. There is hereby appropriated from the state general fund for the biennium ending June 30, 1981, to the Washington State Public Broadcasting Commission, the sum of fifty-five thousand dollars for the purposes of this 1980 act: PROVIDED, That any moneys so appropriated may also be used for matching federal grants.

NEW SECTION. Sec. 12. The following acts or parts thereof are each hereby repealed:

(1) Section 28A.91.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.010;

(2) Section 28A.91.020, chapter 223, Laws of 1969 ex.

sess. and RCW 28A.91.020;

(3) Section 28A.91.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.030;

(4) Section 28A.91.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.91.040;

(5) Section 28A.91.050, chapter 223, Laws of 1969 ex. sess., section 70, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.91.050; and

(6) Section 28A.91.060, chapter 223, Laws of 1969 ex. sess., section 19, chapter 75, Laws of 1977 and RCW 28A.91.060.

NEW SECTION. Sec. 13. Sections 1 through 7 of this act are added to chapter 223, Laws of 1969 ex. sess. and to Title 28A RCW.

NEW SECTION. Sec. 14. The Washington State Public Broadcasting Commission and its powers and duties shall terminate on June 30, 1983, and shall be subject to all of the processes provided in RCW 43.131.010 through 43.131.110 as now existing or hereafter amended.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House February 29, 1980.

John Bagnariol

Democratic Speaker of the House.

Republican Speaker of the House.

Passed the Senate February 27, 1980.

John A. Cherberg

President of the Senate.

ARTICLE 5.

EDUCATIONAL BROADCASTING AUTHORITY.

Sec.
~~10-5-1. Legislative findings.~~
10-5-2. West Virginia educational broadcasting authority; members; organization; officers; employees; meetings; expenses.
Sec.
10-5-3. Powers of authority.
10-5-4. Funds; right of state agencies, etc., to contribute to authority.
10-5-5. Advisory councils.
10-5-6, 10-5-7. [Repealed.]

Revision of article. — Acts 1967, c. 54, repealed the former article consisting of seven sections and enacted the present article so as to appear as present §§ 10-5-1 to 10-5-5. The former article was derived from Acts 1963, c. 62. The amendment so changed the provisions of this article that a detailed comparison of the old and new sections has not been made. Where present provisions are similar to former provisions, the historical citations of the former sections have been added.

§ 10-5-1. Legislative findings.

The legislature hereby finds and declares that it is the duty of this State to provide the best educational training possible for all its citizens and that the encouragement and use of noncommercial educational radio, television and related media operating and originating from educational broadcasting, closed circuit or related facilities located at a site or sites within this State serving all the citizens of this State on a regional basis or as part of a coordinated statewide plan is a proper, necessary and beneficial means of providing and extending enriched educational instruction to all the citizens of this State at the preschool, elementary, secondary and higher education and adult levels. (1967, c. 54.)

§ 10-5-2. West Virginia educational broadcasting authority; members; organization; officers; employees; meetings; expenses.

The West Virginia educational broadcasting authority, heretofore created, is hereby continued as a public benefit corporation. It shall consist of nine members, who shall be citizens and residents of the State, of whom one shall be the state superintendent of schools, one shall be a member of the West Virginia board of education to be selected by it annually, and one shall be the chancellor of the West Virginia board of regents. The other six members shall be appointed by the governor by and with the advice and consent of the senate for overlapping terms of six years. The present members of the authority shall continue to serve out the terms to which they were appointed. Any vacancy among the appointive members shall be filled by the governor by appointment for the unexpired term.

The chairman and vice chairman of the authority as of the effective date of this article [March 10, 1967] shall continue in their respective offices until their successors are elected. Thereafter, at its first regular meeting in each year the authority shall elect one of its members as chairman and one as vice chairman. The authority is authorized to select an executive secretary and such other personnel as may be necessary to perform its duties and to fix the compensation of such personnel to be paid out of moneys appropriated for this purpose. The executive secretary shall keep a record of the proceedings of the authority and shall perform such other duties as it may prescribe. The authority is authorized to establish such office or offices as may be necessary for the proper performance of its duties.

The authority shall hold one meeting in July of each year and at least two additional meetings at such times and places as it may prescribe. It may meet at such other times as may be necessary, such meetings to be held upon its own resolution or at the call of the chairman of the authority. The members shall serve without compensation, but every member may be reimbursed for actual expenses incident to the performance of his duties upon presentation to the chairman of an itemized sworn statement thereof. (1963, c. 62; 1967, c. 54; 1970, c. 45.)

§ 10-5-3. Powers of authority.

The authority shall have the power:

(1) To act as advisor and consultant to television and radio stations concerning noncommercial educational programs supported by federal, state, county, city or private funds.

(2) To cooperate with and assist all local and state educational institutions in planning and development of the use of educational radio, television and related media.

(3) To promote and coordinate the use of these media for noncommercial educational purposes.

(4) To construct, maintain and operate educational broadcasting, closed circuit or related facilities located at a suitable site or sites within this State including, without limitation thereby, production centers, broadcasting stations and a broadcasting network connecting such communities or stations as may be designated by the authority.

(5) To acquire in the name of the State for the use and benefit of the authority by purchase, lease or agreement, any property, both real and personal, and any interest in such property necessary to carry out the provisions of this article.

(6) To apply for and receive any license from the appropriate federal agency necessary to operate any educational broadcasting, closed circuit or related facility.

(7) To supervise and approve the origination and transmission of all noncommercial educational radio, television and related media programs in this State which would be carried through the facilities of a state network.

(8) To employ such personnel as may be necessary to operate and maintain any facility created under the provisions of this article.

(9) To lease from communications common carriers and use such transmission channels as may be necessary or, if it determines it could more economically construct and maintain such transmission channels, it may design, construct, maintain and operate the same, including a television microwave network.

(10) To sue and be sued, plead and be impleaded.

(11) To contract and be contracted with, including the power to enter into contracts with any person, firm or corporation, including any like authority of neighboring states; and shall have the authority, within state regulations, to enter into program royalty and distribution contracts and receive moneys for these purposes: Provided, that such contracts shall be for noncommercial purposes only.

(12) To have and use a corporate seal.

(13) To promulgate reasonable rules and regulations to carry out the provisions of this article in accordance with the provisions of article three [§ 29A-3-1 et seq.], chapter twenty-nine-A of the Code.

(14) To perform such other services in behalf of noncommercial educational radio, television and related media as it may consider to be in the best interest of the State. (1963, c. 62; 1967, c. 54; 1972, c. 48.)

§ 10-5-4. Funds; right of state agencies, etc., to contribute to authority.

The authority is further authorized and empowered to apply for and receive appropriations, gifts, bequests or grants from any agency of the United States government, any agency of the State of West Virginia, any municipality or county within this State, any school board or college or university supported in whole or in part by this State or any other person, firm, partnership, association or corporation, within or without this State, and any agency of the State of West Virginia, any municipality or county within this State, or any school board or college or university supported in whole or in part by this State is hereby authorized and empowered to make appropriations or grants to the authority, to assist in achieving the public purpose of the authority. All such funds shall be deposited with the state treasurer of West Virginia and dispersed by the authority to be used exclusively for carrying out the provisions of this article: Provided, that any appropriations, gifts, bequests or grants received by the authority with any restriction or restrictions on the use thereof shall be expended by the authority in accordance with such restriction or restrictions. (1963, c. 62; 1967, c. 54.)

§ 10-5-5. Advisory councils.

The authority may also create one or more advisory councils. Each council so created shall consist of not more than nine members to be appointed by and serve at the will and pleasure of the authority. Each council shall annually elect a chairman, vice chairman and secretary. Members so appointed shall serve without compensation, but may be reimbursed for actual expenses incident to the performance of their duties as provided in this article for members of the authority.

Any such council shall serve in an advisory manner to one or more facilities established under the provisions of this article as directed by the authority and shall meet at least twice a year. (1963, c. 62; 1967, c. 54.)

§§ 10-5-6, 10-5-7.

Repealed by Acts 1967, c. 54.

Revision of article. — See same catchline in note following analysis to article 5 of this chapter.

EDUCATIONAL INSTITUTIONS

36.25 Special programs

(5) Broadcasting station WHA and WHA-TV experimental television. The board of regents, as licensee, shall manage, operate and maintain broadcasting station WHA and WHA-TV and shall enter into an affiliation agreement with the educational communications board pursuant to s. 39.14 to provide that the board of regents shall grant the educational communications board the part-time use of equipment and space necessary for the operations of the state educational radio and television networks.

* * *

39.11 Educational communications board; duties.

(intro.) The * * * educational communications * * * board shall:

(1) Receive and disburse state, federal and private funds and engage or contract for such personnel and facilities as it deems necessary to carry out the purpose of this section.

(2) * * * Plan, construct and develop a state system of radio broadcasting for the presentation of educational, informational and public service programs * * * and formulate policies regulating the operation of such a state system.

(3) * * * Protect the public interest in educational television by making application to the federal communications commission for educational television channels reserved for Wisconsin, and * * * take such action as is necessary to preserve such channels to Wisconsin for educational use.

(4) Initiate, develop and maintain a comprehensive state plan for the orderly operation of a state-wide television system for the presentation of noncommercial instructional programs which will serve the best interests of the people of the state now and in the future;

(5) Work with the educational agencies and institutions of the state as * * * reviewer, advisor and coordinator of their joint efforts to meet the educational needs of the state through radio and television.

(6) Furnish leadership in securing adequate funding for * * * statewide joint use of radio and television for educational and cultural purposes, including funding for media programming for broadcast over the state networks. The educational communications board may submit joint budget requests with state agencies and other nonstate organizations or corporations for the purposes stated above;

(7) Lease, purchase or construct radio and television facilities for joint use, such as network interconnection or relay equipment, mobile units, or other equipment available for state-wide use;

(8) Apply for, construct and operate radio and television transmission equipment in order to provide broadcast service to all areas of this state;

(9) Establish and maintain a continuing evaluation of the effectiveness of the joint efforts of all participating educational institutions in terms of jointly-established goals; in the area of educational radio and television.

(10) Act as a central clearing house and source of information concerning educational radio and television activities in this state, including the furnishing of such information to legislators, offices of government, educational institutions and the general public.

(11) If appropriate funds are made available, file applications after appropriate engineering studies and feasibility surveys for the construction and operation of noncommercial educational radio and television transmitters in

the vicinities of Wausau, Colfax, La Crosse and Appleton and translators in the Platteville and Ashland area.

(12) Establish and operate, as soon as practicable, an interconnection between the broadcast facilities and higher education campuses to facilitate statewide use of closed circuit and broadcast radio and television for educational purposes. Additional facilities may be authorized by the * * * educational communications board if deemed necessary and if funds are available for such purposes.

(13) Throughout this development, seek to co-operate with similar bodies in other states and participate in regional and national network planning so as to insure maximum educational benefits for the people of this state

(14) * * * Coordinate the radio activites of the various educational and informational agencies, civic groups, and citizens having contributions to make to the public interest and welfare.

(15) * * * Manage, operate and maintain broadcasting station WLBL.

(16) When appropriate and related to the programs of the state educational radio and television network, procure or publish instructional material. A reasonable handling charge may be established to cover the costs of providing such material.

(17) Assist any state agency, upon its request, in the development and review of plans for the utilization of educational radio and television to include, but not be limited to, equipment, personnel, facilities and programming.

(18) The educational communications board may copyright in its own name or acquire copyrights by assignment and charge for their use.

Source:
St.1967 § 39.20(3) (intro.), (a) and (c) to (m).
St.1967 § 43.60(4) (a) to (e).
L.1967 c. 349 § 5, eff. Feb. 9, 1968.
L.1969 c. 276 §§ 267, 289, 290, 594, eff. Dec. 28, 1969.
L.1971, c. 211, §§ 54, 55, eff. July 1, 1972.
L.1973, c. 90, §§ 182, 183, eff. Aug. 5, 1973.
L.1973, c. 333, § 75.
L.1975, c. 39, § 298m, eff. July 31, 1975.
L.1973, c. 333, § 202(4) provides: "The treatment of sections 20.226(1)(d), 20.285(1)(fb), 39.11(6) and 39.14 of the statutes by this act shall take effect July 1, 1975."

Prior Laws:
L.1945 c. 570 § 2.
St.1945 § 43.60.
L.1951 c. 319 § 202.
L.1953 c. 360 §§ 4, 5.

1. Construction and application

The state radio council is an official agency of the State. It is not designated as a body corporate and does not have the power to sue or be sued in its own name. 46 Op.Atty.Gen. 41 (1957).

State radio council did not have the power to enter into a lease or any other agreement with a private corporation for the installation of a community antenna system upon the receiving tower constructed and operated by the council. Id.

39.13 Board staff

(1) The educational communications board shall appoint * * * an executive director outside the classified service. * * * He shall coordinate the activities and execute the program and orders of the * * * board, maintain liaison with the various federal and state agencies interested in the system of state radio and television broadcasting and exercise such further powers, functions and duties as the board prescribes.

(2) The executive director shall employ, with the approval of the educational communications board, such professional staff, outside the classified service, and clerical and technical staff, within the classified service as is necessary.

Source:
St.1967, § 43.60(5) (a), (b).
L.1969, c. 276, § 291, eff. Dec. 28, 1969.
L.1971, c. 125, § 255, eff. Nov. 5, 1971.
L.1971, c. 211, § 56, eff. July 1, 1972.

Prior Laws:
L.1945 c. 570 § 2.
St.1945 § 43.60.
L.1951 c. 319 § 202.
L.1953 c. 360 §§ 4, 5.

39.14 Affiliation agreement

(1) The educational communications board may enter into an affiliation agreement with broadcast radio and television licensees for the purpose of

furthering its responsibilities under s. 39.11(2), (4), (7), (13) and (14). An affiliation agreement shall include the minimum amount of programming of the Wisconsin educational radio or television network to be carried by the affiliated radio and television station.

(2) Any amendment to an agreement under sub. (1) in the amount of programming to be carried by the affiliated licensee which is offered by the Wisconsin educational radio or television network may be made by mutual agreement between the affiliated licensee and the educational communications board.

(3) Any nonprofit affiliated licensee of the Wisconsin educational radio or television network shall be required to submit to the educational communications board an annual report of their operating and capital budgets, plans for future development and expansion, schedules of weekly broadcast programming, and all other information deemed reasonable and appropriate by the contracting parties.

(4) The educational communications board shall negotiate an affiliation agreement under s. * * * 36.25(5) with the university of Wisconsin system.

Source:
L.1973, c. 333, § 76.
L.1975, c. 41, § 52, eff. Aug. 19, 1975.
L.1973, c. 333, § 202(4) provides: "The treatment of sections 20.225(1)(d), 20.285(1)(fb), 39.11(6) and 39.14 of the statutes by this act shall take effect July 1, 1975."

39.15 Aid for medical education

As a condition to the release of funds under s. 20.250, one-third of the members of the board of trustees of the medical college of Wisconsin, inc., shall be nominated by the governor, and with the advice and consent of the senate appointed, for staggered 6-year terms expiring on May 1 and the college shall give first preference in admissions to residents of this state. The legislative audit bureau shall biennially * * * postaudit expenditures under s. 20.250 so as to assure the propriety of expenditures and compliance with legislative intent. State affirmative action policies, rules and practices shall be applied to the medical college of Wisconsin, inc. consistent with their application to state agencies.

Source:
L.1969, c. 3, §§ 3, 4, eff. Feb. 26, 1969.
L.1969, c. 185, § 1a, eff. Nov. 2, 1969.
L.1971, c. 125, § 256, eff. Nov. 5, 1971.
St.1971, § 39.44.
L.1973, c. 90, § 184, eff. Aug. 5, 1973.
L.1973, c. 333, § 78a.

L.1969, c. 3, § 3, authorized state aid for medical education at Marquette School of Medicine. L.1969, c. 3, § 5, provided: "Upon enactment hereof, the attorney general shall promptly commence an action seeking a declaratory judgment that the department of administration is required to and has the right to make payments to the Marquette school of medicine, inc., from the appropriation created by this act. The attorney general shall petition for leave to commence the action as an original action before the Wisconsin supreme court. If the petition is denied, he shall commence the action in the circuit court for Dane county."

1. Construction and application

Legislature has some discretion in its declaration of public purpose. State ex rel. Warren v. Reuter (1969), 170 N.W.2d 790, 44 Wis.2d 201.

Medical education, teaching and research were not "internal improvements" within constitutional debt prohibition, which did not preclude appropriation to private, nonprofit college for such medical and health purposes. Id.

To render statute unconstitutional, its conflict with constitutional provision must be clear and free from doubt. Id.

Appropriation of public money to private school of medicine for medical education, teaching and research was not grant of corporate power or privilege and was therefore not violative of constitutional prohibition against enacting any special or private law for granting of corporate powers or privileges or of constitutional provision requiring uniformly operating general laws for transaction of any business prohibited by first-mentioned constitutional provision. Id.

Where school of medicine had severed relationship with sectarian college, and in view of makeup of governing board, faculty and student body and content of its teachings, school was nonsectarian, and public appropriation to it for medical education, teaching and research was not violative of First Amendment or of state constitutional provision relating to freedom of religion and conscience. Id.

Statutory appropriation of public money to private, nonprofit, medical school for medical education, teaching and research was for public purpose where legislative finding as to medical and health needs was factually supported, and where there was budgetary audit of school by governor on his request and by state coordinating council. Id.

ARTICLE 11. EDUCATIONAL TELEVISION COMMISSION

§ 9-3-1101. Created.

There is hereby created and established a commission which shall be known as the Wyoming educational television commission. (Laws 1967, ch. 166, § 1.)

§ 9-3-1102. Composition; appointment, term, qualifications and compensation of members.

The Wyoming educational television commission shall consist of seven (7) members to be appointed for a term of two (2) years by the governor, who in making the appointments shall consider the qualifications of the appointees in the fields of television, communication, construction, planning and design, finance and education as these fields relate to the establishment of an educational television system. All members shall serve without compensation, but shall be paid mileage and per diem in the same manner and amount as employees and officers of the state of Wyoming while on official commission business. (Laws 1967, ch. 166, § 2.)

Am. Jur. 2d reference. — 1 Am. Jur. 2d Administrative Law §§ 23 to 59.

§ 9-3-1103. Powers and duties.

(a) The powers and duties of the Wyoming educational television commission shall be:

(i) To investigate the feasibility of establishing and maintaining an educational television network designed primarily to assist, strengthen, augment and increase the availability of the educational offerings of the elementary and secondary schools, community colleges and the University of Wyoming;

(ii) To apply for and to receive and hold such authorizations and licenses and assignments of channels from the federal communications commission or other federal and state agencies as may be necessary or feasible in the future to conduct educational television programs by standard broadcast and/or closed circuits, and to prepare, file and prosecute before the federal communications commission or other federal and state agencies all applications, reports or other documents or requests for authorization of any kind necessary or appropriate to achieve the purposes set forth in sections 1 through 9 [§§ 9-3-1101 to 9-3-1104];

(iii) To accomplish the purposes of this act, to receive gifts, donations, bequests, grants-in-aid and contributions from public and/or private sources. (Laws 1967, ch. 166, § 3.)

Editor's note. — The reference to "sections 1 through 9" is inaccurate as ch. 166, Laws 1967, contained only 7 sections, of which §§ 1 to 3 and 5 are compiled as §§ 9-3-1101 to 9-3-1104. Sections 4 and 6, ch. 166, Laws 1967, have been repealed.

§ 9-3-1104. Disposition of moneys and fees received.

All moneys and fees received under the provisions of this act [§§ 9-3-1101 to 9-3-1104] shall be deposited into the general fund. (Laws 1967, ch. 166, § 5; 1973, ch. 245, § 3.)

Appropriations. — Section 7, ch. 166, Laws 1967, reads: "There is hereby appropriated to the educational television fund established herein the sum of twenty thousand ($20,000.00) dollars for the fiscal biennum beginning July 1, 1967 and ending June 30, 1969."

Section 4, ch. 245, Laws 1973, reads: "If an appropriation is made to an agency from a fund abolished or affected by this act, the appropriation shall be made from the fund into which the preexisting fund was consolidated."

Effective date. — Section 6, ch. 245, Laws 1973, makes the act effective on and after July 1, 1973.